

Collection of Liechtenstein Laws Criminal Law

Bergt J., Stern T.

COLLECTION OF LIECHTENSTEIN LAWS

CRIMINAL LAW

As of January 1, 2026 | 3rd edition

Bergt J., Stern T.

LR 311.0	Penal Code (StGB)
LR 312.0	Code of Criminal Procedure (StPO)
LR 812.120	Narcotics Act (BMG) LR
314.1	Juvenile Court Act (JGG)
LR 143.0	Police Act (PolG)
LR 351	Mutual Legal Assistance Act (RHG)
LR 311.1	Criminal Law Amendment Act (StRAG)
LR 340	Penal Enforcement Act (StVG)
LR 741.01	Road Traffic Act (SVG) LR
514.1	Weapons Act (WaffG)
LR 330	Repayment Act (TilgG)
LR 352	ZIGG
LR 352.1	ZIGV

Imprint

Bibliographic information from the German National Library: The German National Library lists this publication in the German National Bibliography; detailed bibliographic data is available online at dnb.dnb.de.

The automated analysis of the work to obtain information, in particular about patterns, trends, and correlations in accordance with §44b UrhG ("text and data mining"), is prohibited.

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Editors: Josef Bergt, Thomas Stern | Status: January 1, 2026 | 3rd edition_

<https://www.bergt.law/> | <https://bergt.tax/>

Publisher: BoD · Books on Demand GmbH, Überseering 33, 22297 Hamburg, bod@bod.de
Printing: Libri Plureos GmbH, Friedensallee 273, 22763 Hamburg

ISBN: 978-3-6957-6125-8

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I. Penal Code (StGB)**of June 24, 1987**

I hereby approve the following resolution passed by the State Parliament:

General section**1. Section****General provisions****§ 1***No punishment without law*

1) A penalty or preventive measure may only be imposed for an act that is expressly punishable by law and was already punishable at the time it was committed.

2) A penalty more severe than that threatened at the time of the offense may not be imposed. A preventive measure may only be ordered if, at the time of the offense, this preventive measure or a comparable penalty or preventive measure was provided for. The imposition of a preventive measure that is merely comparable in nature may not subject the offender to treatment that is more unfavorable than that permitted under the law in force at the time of the offense.

§ 2*Offense by omission*

If the law threatens punishment for bringing about a result, then anyone who fails to prevent it is also punishable, even though they are required to do so by the legal system due to a specific obligation, and the failure to prevent the result is equivalent to an act that fulfills the legal definition of the offense.

§ 3*Self-defense*

1) A person does not act unlawfully if they only use the defense necessary to ward off a present or imminent unlawful attack on their own or another person's life, health, physical integrity, freedom, or property. However, the action is not justified

if it is obvious that the person attacked is only threatened with minor harm and the defense is unreasonable, in particular because of the severity of the harm to the attacker necessary for the defense.

2) Anyone who exceeds the justified extent of defense or uses an obviously inappropriate defense (para. 1) is, if this is done solely out of consternation, fear, or terror, only punishable if the excess is based on negligence and the negligent act is punishable by law.

§ 4

No punishment without guilt

Only those who act culpably are punishable.

§ 5

Intent

1) A person acts with intent if they want to bring about a situation that corresponds to a legal offense; it is sufficient for the perpetrator to seriously consider this outcome possible and to accept it.

2) The perpetrator acts intentionally if it is important to them to bring about the circumstance or result for which the law requires intentional action.

3) The perpetrator acts knowingly if they not only consider the circumstance or outcome for which the law requires knowledge to be possible, but also consider its existence or occurrence to be certain.

§ 6

Negligence

1) A person acts negligently if they disregard the duty of care to which they are obliged under the circumstances and which they are capable of fulfilling according to their mental and physical abilities and which can reasonably be expected of them, and therefore fail to recognize that they could bring about a situation that corresponds to a legal offense.

2) A person also acts negligently if they consider it possible that they could bring about such a situation, but do not intend to do so.

3) Gross negligence is defined as acting in an unusually and conspicuously careless manner, such that the occurrence of a situation corresponding to the legal definition of the offense was virtually predictable.

§ 7

Criminal liability for intentional and negligent acts

1) Unless otherwise specified by law, only intentional acts are punishable.

2) A more severe penalty linked to a particular consequence of the act shall only be imposed on the perpetrator if he or she caused this consequence at least through negligence.

§ 8

Erroneous assumption of a justifying circumstance

Anyone who mistakenly assumes a circumstance that would exclude the unlawfulness of the act cannot be punished for intentional commission. They shall be punished for negligent commission if the error is based on negligence and the negligent commission is punishable by law.

§ 9

Error of law

1) Anyone who does not recognize the wrongfulness of the act due to an error of law is not guilty if they cannot be blamed for the error.

2) The error of law is to be blamed if the wrongfulness was easily recognizable to the perpetrator as it was to anyone else, or if the perpetrator did not familiarize himself with the relevant regulations, even though he was obliged to do so by virtue of his profession, occupation, or other circumstances.

3) If the error is attributable, the penalty provided for the intentional act shall apply if the perpetrator acts intentionally, and the penalty provided for the negligent act shall apply if the perpetrator acts negligently.

§ 10

Excusable emergency

1) Anyone who commits a punishable act in order to avert an imminent significant disadvantage to themselves or another person is excused if the damage threatened by the act is not disproportionately more serious than the disadvantage it is intended to avert, and if, in the perpetrator's situation, no other behavior could be expected from a person associated with legally protected values.

2) The perpetrator is not excused if they knowingly exposed themselves to the danger without a reason recognized by law. The perpetrator shall be punished for negligent commission if they assumed the conditions under which their action would be excused in an error based on negligence and the negligent commission is punishable.

§ 11

Accountability

Anyone who, at the time of the act, is incapable of recognizing the wrongfulness of their act or of acting in accordance with this recognition due to mental illness, mental disability, profound disturbance of consciousness, or another serious mental disorder equivalent to one of these conditions, is not guilty.

§ 12

Treatment of all parties involved as perpetrators

Not only the direct perpetrator commits the criminal act, but also anyone who instructs another person to carry it out or who otherwise contributes to its execution.

§ 13

Independent criminal liability of those involved

If several persons were involved in the offense, each of them shall be punished according to their guilt.

§ 14

Characteristics and circumstances of the perpetrator

1) If the law makes criminal liability or the severity of the punishment dependent on specific personal characteristics or circumstances of the perpetrator that relate to the wrongfulness of the act, the law shall apply to all participants if these characteristics or circumstances are present in even one of them. However, if the wrongfulness of the act depends on the person with the special personal characteristics or circumstances directly carrying out the act or otherwise participating in it in a certain way, this condition must also be met.

2) If, on the other hand, the special personal characteristics or circumstances relate exclusively to guilt, the law shall only apply to those involved who possess these characteristics or circumstances.

§ 15

Criminal liability for attempts

1) The penalties for intentional acts apply not only to the completed act, but also to the attempt and to any participation in an attempt.

2) The act is attempted as soon as the perpetrator acts on their decision to carry it out or to induce another person to do so (Section 12) by means of an act immediately preceding the execution.

3) The attempt and participation in it are not punishable if the completion of the act was impossible under any circumstances due to a lack of personal characteristics or circumstances that the law presupposes for the perpetrator

or due to the nature of the act or the object on which the act was committed, was impossible under any circumstances.

§ 16

Withdrawal from the attempt

- 1) The perpetrator shall not be punished for attempting or participating in the crime if he voluntarily abandons the execution or, if several persons are involved, prevents it, or if he voluntarily averts the success.
- 2) The perpetrator shall also not be punished if the execution or success does not occur without his involvement, but he voluntarily and seriously endeavors to prevent the execution or avert the success without being aware of this.

2. Section

Classification of criminal offenses

§ 17

Classification of criminal offenses

- 1) Crimes are intentional acts punishable by life imprisonment or imprisonment for more than three years.
- 2) All other criminal offenses are misdemeanors, unless otherwise specified in ancillary criminal laws.

3. Section

Penalties, forfeiture, and preventive measures

§ 18

Prison sentences

- 1) Prison sentences are imposed for life or for a specific period of time.
- 2) The minimum term of imprisonment is one day and the maximum is twenty years.

§ 19

Fines

- 1) The fine shall be calculated in daily rates. It shall amount to at least two daily rates.
- 2) The daily rate shall be calculated according to the personal circumstances and financial capacity of the offender at the time of the first instance judgment. However, the daily rate shall be set at a minimum of 15 francs and a maximum of 5,000 francs.

3) In the event that the fine cannot be collected, a substitute custodial sentence shall be imposed. One day of substitute custodial sentence corresponds to two daily rates.

4) Repealed

§ 19a

Confiscation

1) Objects that the offender used to commit an intentional crime, that were intended by him to be used in the commission of that crime, or that were produced by that act shall be confiscated if they are owned by the offender at the time of the first instance decision.

1a) Confiscation shall also extend to the substitute values of the items referred to in paragraph 1 that are owned by the offender at the time of the decision of the court of first instance.

2) Confiscation shall not be imposed if it is disproportionate to the significance of the offense or to the charge against the offender.

§ 20

Forfeiture

1) The court shall declare forfeited any assets that were used to commit a punishable act or were obtained through such an act.

2) The forfeiture shall also extend to the use and replacement value of the assets to be declared forfeited under paragraph 1.

3) If the assets subject to forfeiture under paragraph 1 or 2 are no longer available or forfeiture is not possible for another reason, the court shall declare a sum of money corresponding to these assets to be forfeited. Assets saved by committing a punishable act are also subject to forfeiture of value.

4) If the extent of the assets to be declared forfeited cannot be determined or can only be determined with disproportionate effort, the court shall determine it according to its conviction.

§ 20a

No forfeiture

1) Forfeiture vis-à-vis a third party pursuant to Section 20 (2) and (3) is excluded if the third party acquired the assets without knowledge of the punishable act.

2) Furthermore, forfeiture is excluded:

1. against a third party if the latter acquired the assets for consideration without knowledge of the punishable act,
 2. if the person concerned has satisfied civil law claims arising from the act or provided security for them, or
 3. if its effect is achieved by other legal measures.
- 3) Forfeiture shall be waived if:
1. the asset to be forfeited or the prospect of its recovery is disproportionate to the procedural costs that the forfeiture or recovery would entail, or
 2. it would disproportionately impede the progress of the person concerned or constitute an unreasonable hardship for them.

§ 20b

Extended forfeiture

- 1) Assets that are subject to the control of a criminal organization (Section 278a) or a terrorist group (Section 278b) or that have been provided or collected as a means of financing terrorism (Section 278d) shall be declared forfeited.
- 2) If a crime has been committed for the purpose of obtaining assets or through which assets have been obtained, those assets which were obtained at the same time as this act shall also be declared forfeited, provided that it can be reasonably assumed that they originate from an unlawful act and their lawful origin cannot be substantiated.
- 3) If continuous or recurring offenses under §§ 165, 278, 278c, and 304 to 309 have been committed, for the commission of which or through which assets have been acquired, those assets which were acquired in temporal connection with these acts shall also be declared forfeited, provided that it can be reasonably assumed that they originate from further offenses of this kind and their lawful origin cannot be credibly established.
- 4) Section 20 (2) to (4) shall apply *mutatis mutandis*.

Section 20c

Non-application of extended forfeiture

- 1) Extended forfeiture pursuant to Section 20b (1) is excluded if persons who are not involved in the

criminal organization or terrorist group or in the financing of terrorism.

2) Section 20a shall apply *mutatis mutandis*.

Section 21

Commitment to an institution for mentally abnormal offenders

1) If a person commits an act that is punishable by imprisonment for more than one year and cannot be punished solely because they committed it under the influence of a condition that excludes criminal responsibility (§ 11) and is based on a higher degree of mental or psychological abnormality, the court shall commit him to an institution for mentally abnormal offenders if, based on his personality, his condition, and the nature of the offense, there is reason to fear that he will otherwise commit a punishable act with serious consequences under the influence of his mental or psychological abnormality.

2) If such a fear exists, a person who, without being incapable of responsibility, commits an act under the influence of his mental or emotional abnormality of a higher degree that is punishable by imprisonment for more than one year shall also be committed to an institution for mentally abnormal offenders. In such a case, the placement shall be ordered at the same time as the sentence is pronounced.

§ 22

Commitment to an institution for offenders in need of rehabilitation

1) Anyone who is addicted to the abuse of intoxicating substances or narcotics and is convicted of a criminal offense committed while intoxicated or otherwise in connection with their addiction, or of committing a punishable act while in a state of complete intoxication (§ 287), shall be committed by the court to an institution for offenders in need of rehabilitation if, based on their character and the nature of the offense, there is reason to fear that they would otherwise commit a punishable act with serious consequences or punishable acts with more than minor consequences in connection with their addiction to intoxicating substances or narcotics.

2) Commitment shall not be ordered if the offender has to serve more than two years in prison, if the conditions for his commitment to an institution for mentally abnormal offenders are met, or if an attempt at rehabilitation appears futile from the outset.

§ 23

Commitment to an institution for dangerous repeat offenders

1) If a person over the age of 24 is sentenced to at least two years' imprisonment, the court shall at the same time order his or her placement in an institution for dangerous repeat offenders

1. if the conviction is based exclusively or predominantly on one or more intentional criminal acts against life and limb, against liberty, against another person's property with the use or threat of violence against a person, against sexual self-determination, and for other sexually related offenses, against the provisions of narcotics legislation, or for one or more intentional criminal acts dangerous to the public,

2. if he has already been sentenced twice exclusively or predominantly for acts of the type mentioned in paragraph 1 to prison terms of more than six months each and has therefore served at least eighteen months in prison before committing the acts now being judged, but after reaching the age of eighteen, and

3. if there is reason to fear that, due to his propensity for criminal acts of the type mentioned in section 1 or because he tends to earn his living predominantly through such criminal acts, he will otherwise continue to commit such criminal acts with serious consequences.

2) Commitment shall not be ordered if the conditions for committing the offender to an institution for mentally abnormal offenders are met.

3) Detention in an institution for mentally abnormal offenders pursuant to § 21 para. 2 or in an institution for offenders requiring rehabilitation is equivalent to imprisonment (para. 1 no. 2) insofar as the period of detention is to be credited against the sentence.

4) A previous sentence shall not be taken into account if more than five years have elapsed between its completion and the subsequent offense. Periods during which the convicted person was detained by order of the authorities shall not be included in this period. If the sentence has been served only by crediting prior detention, the period shall not commence until the judgment becomes final.

5) Foreign convictions shall be taken into account if the conditions of § 73 are met and it can be assumed that the offender would also have been sentenced to a term of imprisonment of more than six months by a domestic court and would have served the time required to fulfill the conditions of paragraph 1, item 2.

Section 24

Order of enforcement of prison sentences and preventive measures involving deprivation of liberty

1) Commitment to an institution for mentally abnormal offenders or to an institution for offenders in need of rehabilitation shall be enforced prior to the prison sentence. The period of detention shall be credited against the sentence. If the placement is revoked before the end of the sentence, the offender shall be transferred to prison, unless the remainder of the sentence is suspended or remitted unconditionally.

2) Commitment to an institution for dangerous repeat offenders shall be served after the prison sentence. Before transferring the offender to the institution for dangerous repeat offenders, the court shall examine ex officio whether the commitment is still necessary.

§ 25

Duration of preventive measures involving deprivation of liberty

1) Preventive measures shall be ordered for an indefinite period. They shall be enforced for as long as their purpose requires. However, placement in an institution for offenders requiring rehabilitation may not exceed two years, and placement in an institution for dangerous repeat offenders may not exceed ten years.

2) The court shall decide on the revocation of the preventive measure.

3) The court shall review ex officio at least once a year whether placement in an institution for mentally abnormal offenders or in an institution for dangerous repeat offenders is still necessary.

4) The court shall review ex officio at least every six months whether placement in an institution for offenders requiring rehabilitation is to be maintained.

§ 26

Confiscation

- 1) Items used by the perpetrator to commit the punishable act, which were intended by him to be used in the commission of that act, or which were produced by that act, shall be confiscated if these items endanger the safety of persons, morality, or public order.
- 2) Confiscation shall be waived if the entitled person removes the special characteristics of the objects, in particular by removing or rendering unusable devices or markings that facilitate the commission of punishable acts. Items to which a person not involved in the criminal act has legal claims may only be confiscated if the person concerned cannot guarantee that the items will not be used to commit criminal acts.
- 3) If the conditions for confiscation are met, the objects shall also be confiscated if no specific person can be prosecuted or convicted for the punishable act.

§ 27

Loss of office and other legal consequences of conviction

- 1) A conviction by a domestic court for one or more intentional criminal offenses resulting in a prison sentence of more than one year shall result in the loss of office for a civil servant.
- 2) If a criminal conviction under a law results in a legal consequence other than that specified in paragraph 1, the legal consequence shall, unless otherwise specified, expire after five years, provided that it does not consist of the loss of specific rights based on election, conferral, or appointment. The period shall commence as soon as the sentence has been served and preventive measures have been carried out or have ceased to apply; if the sentence has been served only by crediting time spent in pre-trial detention, the period shall commence when the judgment becomes final.

§ 28

Concurrence of criminal offenses

- 1) If a person has committed several criminal offenses of the same or different types through one act or several independent acts and these criminal offenses are adjudicated simultaneously, and if the concurrent laws provide only for prison sentences or only for fines, a single prison sentence shall be imposed.

imprisonment or a fine. This penalty shall be determined in accordance with the law that imposes the most severe penalty. However, apart from extraordinary mitigation of punishment, no penalty less than the highest of the minimum penalties provided for in the concurrent laws may be imposed.

2) If one of the concurrent laws provides for imprisonment, another for a fine, or if only one of them provides for both imprisonment and a fine, then, if both penalties are mandatory, imprisonment and a fine shall be imposed. If one of them is not mandatory, it may be imposed. The same applies to penalties of other kinds that are imposed in addition to a prison sentence or a fine. Paragraph 1 applies to the determination of the prison sentence and the fine.

3) If, according to paragraph 2, a prison sentence and a fine are to be imposed, but a fine is to be imposed instead of a prison sentence (§ 37), only a fine shall be imposed in accordance with paragraph 1.

4) Preventive measures shall be ordered if the conditions for this are met on the basis of one or more of the punishable acts that are being judged at the same time.

§ 29

Aggregation of values and damages

If the severity of the penalty depends on the value of an item against which the act is directed, or on the damage it causes or to which the perpetrator's intent extends, the total value or damage shall be decisive if the perpetrator has committed several acts of the same kind.

§ 30

Inadmissibility of multiple increases in the upper limit specified by law

Exceeding the upper limit of a penalty specified by law by half is only permissible once, even if there are several reasons why such an excess is permissible (§§ 39, 313).

§ 31

Penalty in the event of subsequent conviction

1) If a person who has already been sentenced to a penalty is convicted of another offense that could have been tried in the earlier proceedings after it was committed, an additional penalty shall be imposed. This may not exceed the maximum penalty that can be imposed for the offense now being tried. The total of the penalties may not exceed the penalty that would have been imposed under

the rules on sentencing in cases where multiple criminal acts coincide and on the aggregation of values and damages would be permissible.

2) A previous foreign conviction is equivalent to a previous domestic conviction even if the requirements of § 73 are not met.

Section 31a

Subsequent mitigation of the penalty and forfeiture

1) If circumstances subsequently arise or become known which would have led to a more lenient sentence, the court shall reduce the sentence appropriately.

2) If the personal circumstances or financial capacity of a person sentenced to a fine subsequently deteriorate to a significant extent, the court shall reassess the daily rate for the outstanding fine within the limits of Section 19 (2), unless the convicted person caused the deterioration intentionally, even if only by failing to take up reasonable employment.

3) Repealed

4) If circumstances subsequently arise or become known which, at the time of the judgment, would not have led to the forfeiture or only to the forfeiture of lesser assets, the court shall amend the decision accordingly.

4. Section

Sentencing

§ 32

General principles

1) The basis for determining the penalty is the guilt of the offender.

2) When determining the sentence, the court must weigh up the aggravating and mitigating factors, insofar as they do not already determine the penalty, and also take into account the effects of the sentence and other expected consequences of the offense on the offender's future life in society. In doing so, it must be taken into account, above all, the extent to which the offense is attributable to the offender's rejection of or indifference to legally protected values and the extent to which it is attributable to external circumstances or motives that could also be relevant to a person who is committed to legally protected values.

3) In general, the greater the damage or danger caused by the offender, or which he did not cause but to which his fault extends, the more duties he violates by his action, the more carefully he considers his action, the more carefully he prepares it, or the more recklessly he carries it out, and the less caution could have been exercised against the action.

§ 33

Special aggravating factors

1) An aggravating circumstance is, in particular, if the perpetrator:

1. has committed several criminal acts of the same or different kinds or has continued the criminal act over a longer period of time;
 2. has already been convicted of an act based on the same harmful inclination;
 3. has incited another person to commit a criminal offense;
 4. is the originator or instigator of a criminal act committed by several persons or has played a leading role in such an act;
 5. has acted out of racist, xenophobic, or other particularly reprehensible motives, in particular those directed against one of the groups of persons referred to in § 283 (1) No. 1 or a member of such a group expressly because of their membership in that group;
 6. has acted treacherously, cruelly, or in a manner that was agonizing for the victim;
 7. took advantage of another person's defenselessness or helplessness in committing the act;
 8. committed the act as part of a criminal organization;
 9. committed a criminal offense in conscious and deliberate cooperation with another person;
 10. committed the act by misusing another person's personal data in order to gain the trust of a third party, thereby causing damage to the rightful owner of the identity.
- 2) Except in the cases referred to in § 39a (1), an aggravating factor is also when an adult offender has intentionally committed a criminal offense using violence or dangerous threats against a minor or, in a manner perceptible to the minor, against a person close to the minor.
- 3) A further aggravating factor is if the offender intentionally commits a criminal offense under Sections 1 to 3 or 10 of the Special Part

1. against a relative (Section 72), including a former wife, registered partner, or partner, or a former husband, registered partner, or partner, as a person living with the victim or a person abusing their position of authority;
2. against a person who is vulnerable due to special circumstances, exploiting their particular vulnerability;
3. using an exceptionally high degree of violence or after such violence has preceded the act;
4. committed with the use or threat of a weapon.

§ 34

Special mitigating circumstances

1) A mitigating circumstance is, in particular, if the offender:

1. committed the act after reaching the age of eighteen but before reaching the age of twenty-one, or if he committed it under the influence of an abnormal mental state, if he is weak in mind, or if his upbringing has been severely neglected;
2. has previously led a decent life and the offense is in striking contrast to his or her usual behavior;
3. committed the act for honorable reasons;
4. committed the act under the influence of a third party or out of fear or obedience;
5. has only made himself liable to punishment by failing to prevent the outcome in a case where the law threatens punishment for bringing about such an outcome;
6. was only involved in a minor way in one of several criminal acts committed;
7. committed the act only out of rashness;
8. was carried away by a generally understandable violent emotion;
9. committed the act more because they were tempted by a particularly enticing opportunity than with premeditation;
10. was driven to commit the act by a pressing emergency that was not due to laziness;

11. committed the act under circumstances that come close to grounds for exclusion of guilt or justification;
 12. committed the act in a legal error that does not exclude guilt (§ 9), in particular if he is punished for intentional commission;
 13. did not cause any damage despite completing the act, or if it remained an attempt;
 14. voluntarily refrained from causing greater damage, even though he had the opportunity to do so, or if the damage was compensated for by the perpetrator or by a third party on his behalf;
 15. has made serious efforts to compensate for the damage caused or to prevent further adverse consequences;
 16. has turned himself in, even though he could easily have escaped or it was likely that he would remain undetected;
 17. has made a remorseful confession or contributed significantly to establishing the truth through his statement;
 18. committed the offense a long time ago and has behaved well since then;
 19. has been affected by the fact that he or a person close to him has suffered considerable physical injury or damage to health or other serious actual or legal disadvantages as a result of the offense.
- 2) Another mitigating factor is if the proceedings against the offender have taken an unreasonably long time for reasons beyond his control or that of his defense counsel.

§ 35

Intoxication

If the perpetrator acted in a state of intoxication that did not exclude criminal responsibility, this shall only be considered a mitigating factor to the extent that the resulting reduction in criminal responsibility is not outweighed by the accusation that the consumption or use of the intoxicating substance was justified under the circumstances.

§ 36

Imposition of prison sentences on persons under the age of twenty-one

A person who has not yet reached the age of twenty-one at the time of the offense may not be sentenced to more than twenty years' imprisonment. The threat of life imprisonment

and the threat of a prison sentence of ten to twenty years or life imprisonment shall be replaced by the threat of a prison sentence of five to twenty years. The minimum penalty exceeding one year's imprisonment shall be reduced to this level, and the minimum penalty of one year shall be reduced to six months. However, if the penalty is not more severe than five years' imprisonment, the minimum penalty shall not apply.

§ 37

Imposition of fines instead of prison sentences

1) If no penalty more severe than imprisonment for up to five years is prescribed for an offense, a fine of no more than 720 daily rates shall be imposed instead of imprisonment for no more than one year, unless imprisonment is necessary to deter the offender from committing further criminal acts.

2) If a more severe prison sentence than that specified in paragraph 1, but not more severe than a ten-year prison sentence, is imposed for an offense, the imposition of a fine of not more than 720 daily rates instead of a prison sentence of not more than one year shall only be permissible if the imposition of a prison sentence is not necessary to deter the offender from committing further criminal offenses and the imposition of a fine is sufficient to deter others from committing criminal offenses.

§ 38

Crediting of pre-trial detention

1) Administrative and judicial detention and remand in custody shall be credited against prison sentences and fines if the offender is detained

1. in proceedings for the offense for which he is being punished, or

2. otherwise after committing this offense on suspicion of an act punishable by law in both cases only to the extent that the detention has not already been credited towards another sentence or the detainee has been compensated for it.

2) The substitute prison sentence shall be decisive for the crediting of pre-trial detention against a fine.

§ 39

Increased penalty for repeat offenses

1) If the offender has already been sentenced twice to imprisonment for acts based on the same harmful tendency and has served at least part of these sentences, even if only through the crediting of pre-trial detention or the deprivation of liberty associated with the enforcement of a preventive measure, then, if he commits another criminal offense based on the same harmful disposition after reaching the age of 18, the maximum prison sentence or fine may be exceeded by half. However, the prison sentence may not exceed 20 years.

2) A previous sentence shall not be taken into account if more than five years have elapsed between its completion and the subsequent offense. This period shall not include any time during which the convicted person was detained by order of the authorities. If the sentence has been served only by crediting time spent in pretrial detention, the period shall not begin until the judgment becomes final.

§ 39a

Change in the penalty for criminal acts against minors

1) If an adult offender has committed an intentional criminal offense against a minor using violence or dangerous threats, the threat of

1. a prison sentence of up to one year or the threat of such a prison sentence or a fine shall be replaced by the threat of a prison sentence of two months to one year,

2. a prison sentence that does not provide for a minimum term and whose maximum term exceeds one year, the threat of a minimum term of three months' imprisonment,

3. a prison sentence with a minimum of six months, the threat of a minimum of one year's imprisonment,

4. a prison sentence with a minimum of one year, the threat of a minimum of two years' imprisonment.

2) When applying Sections 36 and 41, the penalties amended in accordance with paragraph 1 shall apply.

Section 40

Sentencing in the event of a subsequent conviction

In the event of a subsequent conviction, the additional penalty shall be determined within the limits specified in Section 31 in such a way that the total of the penalties corresponds to the penalty that

would be imposed in the case of a joint judgment. If, in the case of a joint judgment, no higher penalty than that imposed in the earlier judgment would be imposed, no additional penalty shall be imposed.

Section 41

Exceptional mitigation of punishment if mitigating factors prevail

1) If the mitigating circumstances considerably outweigh the aggravating circumstances and there is a reasonable prospect that the offender will not commit any further criminal acts even if a prison sentence below the statutory minimum is imposed, the following may be recognized:

1. if the offense is punishable by life imprisonment or if it is punishable by imprisonment of ten to twenty years or life imprisonment, to imprisonment of not less than one year;
2. if the offense is punishable not by life imprisonment but by imprisonment of at least ten years, to imprisonment of not less than six months;
3. if the offense is punishable by imprisonment of at least five years, imprisonment of not less than three months;
4. if the offense is punishable by imprisonment of at least one year, to imprisonment of not less than one month;
5. if the offense is punishable by a lesser term of imprisonment, to a term of imprisonment of at least one day.

2) However, under the conditions of paragraph 1, items 3 and 4, a prison sentence of at least six months must be imposed if the offense resulted in the death of a person (Section 7 (2)), even if this circumstance already determines the penalty.

3) Sections 43 and 43a may also be applied if a prison sentence of more than two or three years, but not more than five years, is imposed or would be imposed, provided that the mitigating circumstances considerably outweigh the aggravating circumstances and there is a reasonable prospect that the offender will not commit any further criminal offenses even if such a sentence is imposed.

Section 41a

Extraordinary mitigation of punishment for cooperation with law enforcement authorities

1) If the offender discloses to a law enforcement authority his knowledge of facts relating to an offense punishable under §§ 277, 278, 278a, or 278b or to an offense connected with such an agreement, association, or organization, which knowledge contributes significantly to

1. eliminate or significantly reduce the danger arising from the agreement, association, or organization,

2. to promote the investigation of such a criminal act beyond his own contribution to the act, or

3. to investigate a person who played a leading role in such an agreement or who was active in a leading position in such an association or organization, the minimum statutory penalty may be reduced in accordance with § 41 if this corresponds to the significance of the facts disclosed in relation to the guilt of the perpetrator. § 41 (3) applies accordingly.

2) If the perpetrator's knowledge relates to criminal acts to which Liechtenstein criminal law does not apply, paragraph 1 shall nevertheless apply insofar as the provision of legal assistance would be permissible.

Section 42

Lack of criminality of the act

If the offense to be prosecuted ex officio is punishable only by a fine, by imprisonment for not more than three years, or by such imprisonment and a fine, the offense shall not be punishable if

1. the offender's guilt is minor,

2. the offense has had no or only insignificant consequences, or, provided that the offender has at least made a serious effort to essentially eliminate, remedy, or otherwise compensate for the consequences of the offense, and

3. punishment is not necessary to deter the perpetrator from committing criminal acts or to prevent others from committing criminal acts.

5. Section

Conditional penalty and conditional release

Instructions and probation assistance

§ 43

Conditional suspension of sentence

1) If a lawbreaker is sentenced to imprisonment not exceeding two years or to a fine, the court shall grant him conditional remission of the sentence for a probationary period of at least one and at most three years if it can be assumed that the mere threat of enforcement alone or in conjunction with other measures will suffice to deter him from further criminal acts, and the enforcement of the sentence is not necessary to prevent others from committing criminal acts. In particular, the nature of the offense, the character of the offender, the degree of his guilt, his past conduct, and his behavior after the offense must be taken into account.

2) If the reprieve is not revoked, the sentence shall be finally waived. In such a case, time limits that begin to run as soon as the sentence has been enforced shall be calculated from the date on which the judgment becomes final.

3) Conditional leniency (paragraph 1) is excluded in the case of a sentence imposed for rape (§ 200) or for serious sexual abuse of minors (§ 205); the application of § 43a paragraphs 2 to 4 remains unaffected by this.

Section 43a

Conditional remission of part of the sentence

1) If a fine is imposed and the conditions of § 43 apply to part of the sentence, the court shall conditionally remit that part.

2) If a prison sentence of more than six months but not more than two years is to be imposed and the conditions for conditional remission of the entire sentence are not met, a fine of up to 360 daily rates shall be imposed in lieu of part of the prison sentence if, in view of this, the remaining part of the prison sentence can be conditionally remitted pursuant to § 43.

3) If a prison sentence of more than six months but not more than two years is imposed and, particularly in view of previous convictions of the offender, neither the entire sentence can be conditionally suspended nor can paragraph 2 be applied, part of the sentence shall be conditionally suspended under the conditions of § 43. The part of the sentence that is not suspended must be at least one month and may not exceed one third of the sentence.

4) If a prison sentence of more than two but not more than three years is imposed and there is a high probability that the offender will not

commit further criminal offenses, part of the sentence shall be suspended under the conditions set out in § 43. The last sentence of paragraph 3 shall apply.

5) Repealed

§ 44

Conditional leniency in the event of multiple penalties

1) If a prison sentence and a fine are imposed concurrently, both penalties shall be conditionally suspended if the conditions for this are met. If it can be assumed that the enforcement of one of these penalties or part of a penalty will suffice, Sections 43 and 43a may be applied to either of the two penalties.

2) Additional penalties and legal consequences of a conviction may be conditionally suspended independently of the main penalty.

Section 45

Conditional remission of preventive measures

1) Commitment to an institution for mentally abnormal offenders is to be considered conditionally if, based on the person concerned, their state of health, their past life, the nature of the offense, and their prospects for honest progress, in particular after provisional detention pursuant to Section 340 (4) StPO or the execution of pre-trial detention by provisional commitment pursuant to Section 348 StPO, it can be assumed that the mere threat of commitment in conjunction with treatment outside the institution and any further treatment outside the institution will be successful. pursuant to Section 348 StPO, it can be assumed that the mere threat of placement in conjunction with treatment outside the institution and any further measures provided for in Sections 50 to 52 will be sufficient to avert the danger against which the preventive measure is directed. Furthermore, placement pursuant to § 21 (2) may only be conditionally suspended at the same time as the sentence. The probationary period for conditional suspension of placement pursuant to § 21 is ten years, but if the criminal offense underlying the placement is punishable by no more than ten years' imprisonment, the probationary period is five years.

2) Commitment to an institution for offenders requiring rehabilitation may only be imposed concurrently with the sentence and only conditionally if it can be assumed that the mere threat of commitment in conjunction with one or more of the measures provided for in §§ 50 to 52 will suffice to overcome the offender's addiction to intoxicating substances or addictive substances. The probationary period specified for conditional remission of punishment shall also apply

also applies to conditional remission of placement in an institution for offenders in need of rehabilitation.

3) Section 43 (2) applies *mutatis mutandis*.

4) Conditional remission of other preventive measures is not permitted.

§ 46

Conditional release from a prison sentence

1) If an offender has served half of the prison sentence imposed in the judgment or determined by way of clemency, but at least three months, the remainder of the sentence shall be suspended subject to a probationary period if it can be assumed that enforcement of the remainder of the sentence is not necessary to prevent the offender from committing further criminal offenses.

2) If an offender has served two-thirds of the term of imprisonment imposed in the judgment or determined by way of clemency, but at least three months, the remainder of the sentence shall be suspended subject to a probationary period, unless there are special reasons to fear that the offender will commit further criminal offenses while at liberty.

3) If the custodial sentence was imposed for an offense committed before the offender reached the age of 21, the minimum period of imprisonment (paras. 1 and 2) shall be one month.

4) Any decision on conditional release shall take into account the offender's personality, his past life, his prospects of honest advancement and his conduct during the execution of the sentence, as well as whether there are special reasons for the execution of the remainder of the sentence in order to prevent others from committing criminal acts. Where appropriate, conditional release shall only be granted in conjunction with other measures.

5) If an offender serves several prison sentences, their total duration shall be decisive, provided that they are served consecutively or are only interrupted by periods during which the offender is otherwise detained by order of the authorities. However, pursuant to § 43a (3) and (4), parts of a sentence that are not subject to parole shall not be taken into account. Parole from such a part of the sentence is excluded.

6) A lawbreaker who has been sentenced to life imprisonment may not be released on parole before serving fifteen years. If

If this condition is met, he shall nevertheless only be released on parole if, based on his character, his past life, his prospects for honest advancement, and his conduct during the execution of his sentence, it can be assumed that he will not commit any further criminal offenses while at liberty and that, despite the seriousness of the offense, further execution of the sentence is not necessary to prevent others from committing criminal offenses.

§ 47

Release from a preventive measure involving deprivation of liberty

1) Inmates in an institution for mentally abnormal offenders may only be released on probation. Inmates in an institution for offenders requiring rehabilitation and in an institution for dangerous repeat offenders must be released unconditionally if the period of detention (§ 25 (1)) has expired or, in the case of detention in an institution for offenders requiring rehabilitation, if continuation or supplementation of the rehabilitation treatment would not be promising, otherwise only conditionally for a probationary period.

2) Conditional release from a preventive measure involving deprivation of liberty shall be ordered if, based on the conduct and development of the detainee in the institution, his personality, his state of health, his past life, and his prospects for honest progress, it can be assumed that the danger against which the preventive measure is directed no longer exists.

3) If the offender is released on parole or unconditionally from an institution for mentally abnormal offenders or from an institution for offenders requiring rehabilitation before the end of their sentence, the provisions of Section 24 (1), last sentence, shall apply.

4) The decision that the transfer of the offender to the institution for dangerous repeat offenders is no longer necessary (Section 24 (2)) is equivalent to conditional release from the institution for dangerous repeat offenders.

Section 48

Probationary periods

1) The probation period for conditional release from a prison sentence shall be at least one year and at most three years. If the continuation of treatment within the meaning of Section 51 (3), to which the convicted person has agreed, proves to be necessary in order to justify conditional release (Section

46 (4), the probationary period shall be at least one year and at most five years. If the conditionally remitted remainder of the sentence exceeds three years or if the conditional release from a prison sentence is for a criminal offense against sexual self-determination or other sex-related offenses of more than one year, the probationary period shall be five years. In the case of conditional release from a life sentence, the probationary period shall be ten years.

2) The probation period for release from an institution for mentally abnormal offenders and from an institution for dangerous repeat offenders is ten years, but if the criminal offense underlying the placement is punishable by no more than ten years' imprisonment, the probation period is only five years. In the case of release from an institution for offenders in need of rehabilitation, the probationary period shall be set at a minimum of one year and a maximum of five years.

3) If the conditional remission of the remainder of the sentence or the conditional release from a preventive measure involving deprivation of liberty is not revoked, it shall be declared final. In such a case, periods which commence as soon as the sentence has been served or the preventive measure has been carried out shall be calculated from the date of conditional release from the sentence or from the preventive measure.

§ 49

Calculation of probationary periods

The probation period begins when the decision granting conditional reprieve (Sections 43 to 45) or conditional release (Sections 46 and 47) becomes final. Periods during which the convicted person has been detained by order of the authorities are not included in the probation period.

§ 50

Issuing of instructions and ordering of probation assistance

1) If a lawbreaker is granted conditional remission of the sentence or the preventive measure involving deprivation of liberty, or if he is conditionally released from a prison sentence or a preventive measure involving deprivation of liberty, the court shall issue instructions or order probation assistance to the extent necessary or appropriate to prevent the offender from committing further punishable acts. The same shall apply if the sentence is suspended for a probationary period (§ 8 of the Juvenile Court Act) or if the commencement of a prison sentence, which

has been imposed for an offense committed before the age of twenty-one, is suspended for a period of more than three months pursuant to Art. 6 para. 1 lit. b of the Penal Enforcement Act or § 33 of the Juvenile Court Act.

2) Probation assistance shall always be ordered if a convicted person

1. before serving two-thirds of a prison sentence (§ 46 (1)),
2. from a prison sentence for an offense committed before reaching the age of twenty-one,
3. from a prison sentence for a criminal offense against sexual self-determination or other sex-related offenses,
4. from a prison sentence of more than five years, or
5. a life sentence

is released on parole. In the cases referred to in paragraphs 1 and 2, probation assistance shall only be waived if, based on the nature of the offense, the character of the offender, and his or her development, it can be assumed that he or she will not commit any further criminal offenses even without such an order.

2a) Probation shall not be ordered if it is deemed inappropriate from the outset due to the place of residence or whereabouts of the convicted person.

3) Instructions and the imposition of probation shall apply for the period determined by the court, but no longer than until the end of the probationary period, unless they are revoked or become irrelevant before then. In the case of paragraph 2, item 4, probation shall be imposed for at least the first year, and in the case of paragraph 2, item 5, for at least the first three years after release.

§ 51

Instructions

1) Instructions may include commands and prohibitions which appear appropriate to prevent the offender from committing further punishable acts. Instructions which would constitute an unreasonable interference with the offender's personal rights or lifestyle are not permitted.

2) In particular, the offender may be required to live in a specific place, with a specific family, or in a specific home, to avoid a specific apartment, specific places, or specific associations.

to abstain from alcoholic beverages, to learn or practice a suitable profession that corresponds as closely as possible to his knowledge, skills, and inclinations, to report any change of residence or place of work, and to report to the court or another authority at specified intervals. The offender may also be required to make amends for the damage caused by his or her actions to the best of his or her ability if this has an influence on whether the sentence needs to be enforced in order to prevent others from committing criminal acts.

3) With their consent, the offender may also be instructed, under the conditions set out in paragraph 1, to undergo detoxification treatment, psychotherapeutic treatment, or other medical treatment. However, the instruction to undergo medical treatment involving surgery may not be issued, even with the consent of the offender.

4) During the probationary period, the court shall also issue instructions retrospectively or amend or revoke instructions issued, insofar as this appears necessary under § 50.

Section 52

Probation assistance

1) If the court orders probation assistance, the court clerk shall appoint a probation officer for the offender and notify the court thereof. The probation officer shall endeavor to provide the offender with advice and assistance in order to help him or her adopt a lifestyle and attitude that will prevent him or her from committing punishable acts in the future. To the extent necessary, the probation officer shall support the offender in an appropriate manner in his or her efforts to meet basic needs, in particular to find accommodation and work.

2) The probation officer must report to the court on his activities and observations

1. if the court so requires or if it is necessary or appropriate in order to achieve the purpose of probation,
2. if there is reason to revoke probation,
3. but in any case six months after probation supervision has been ordered and upon its termination,

4. during the period of judicial supervision (Section 52a (2)).

3) During the probationary period, the court must also order probation assistance retrospectively or revoke it if this appears necessary under § 50. In the cases referred to in Section 50 (2) nos. 1 to 4, a decision shall be made at least one year after release, after obtaining a report from the probation officer and an opinion from the head of the competent probation office, as to whether the probation order is still necessary or appropriate.

Section 52a

Judicial supervision of sex offenders and sexually motivated violent offenders

1) If a lawbreaker who has been convicted of a criminal offense

1. against sexual self-determination or for other sex-related offenses or

2. against life and limb or liberty, if this act was committed for the purpose of sexual arousal or gratification,

sentenced to imprisonment or against whom a preventive measure involving deprivation of liberty has been ordered for such an act, is released on parole, he shall be placed under judicial supervision for the duration of the probationary period, insofar as the monitoring of the offender's conduct (para. 2) in particular with regard to compliance with an instruction pursuant to § 51 para. 3 or an instruction not to engage in certain activities, is necessary or appropriate to prevent him from committing further such acts punishable by law.

2) During the period of judicial supervision, the court shall monitor the offender's behavior and compliance with the instructions with the assistance of the probation service and, in appropriate cases, with the assistance of the state police, child and youth welfare services, or other appropriate institutions. The authorities entrusted with supervision shall report to the court on the measures they have taken and their observations. The probation officer shall report to the court when judicial supervision is ordered, insofar as this is requested by the court or is necessary or appropriate, but in any case at least every three months during the first half of the judicial supervision and at least every six months during the second half.

§ 53

Revocation of conditional remission of sentence and conditional release from imprisonment

- 1) If the offender is convicted of a criminal offense committed during the probationary period, the court shall revoke the conditional remission of sentence or the conditional release from imprisonment and enforce the sentence, part of the sentence, or the remainder of the sentence if, in view of the new conviction, this appears necessary in addition to the new sentence in order to deter the offender from committing further criminal offenses. In the event of revocation of conditional release from a life sentence, the remainder of the sentence shall be equivalent to a ten-year prison sentence in terms of the time requirements for renewed conditional release. A criminal offense committed by the offender in the period between the decision of the court of first instance and the decision on the granting of conditional remission or conditional release becoming final, or during an official detention that is not to be included in the probationary period (§ 49), is equivalent to a criminal offense committed during the probationary period.
- 2) If, during the period specified by the court, the offender wilfully fails to comply with an instruction despite a formal warning or persistently evades the influence of the probation officer, the court shall revoke the conditional sentence or conditional release and enforce the sentence or the remainder of the sentence if this appears necessary under the circumstances in order to prevent the offender from committing criminal acts. Paragraph 1, sentence 2 shall apply *mutatis mutandis*.
- 3) If, in the cases referred to in paragraphs 1 and 2, the conditional remission of sentence or release is not revoked, the court may extend the probationary period, if it was set at a shorter period, to a maximum of five years; in the case of conditional release from a life sentence, the court may extend the probationary period to a maximum of five to ten years. At the same time, it shall examine whether and which new instructions are to be issued and whether, if this has not yet been done, a probation officer is to be appointed.
- 4) If, towards the end of the original or extended probationary period following conditional release from a life sentence or a prison sentence of more than five years for a criminal offense against sexual self-determination or other sex-related offenses, there are otherwise special reasons

for assuming that further testing of the offender is necessary, the court may extend the probation period by a maximum of three years. Repeated extensions are permissible.

§ 54

Revocation of conditional reprieve and conditional release in the case of a preventive measure

1) Conditional leniency in the form of placement in an institution for mentally abnormal offenders or offenders in need of rehabilitation, and conditional release from one of the institutions referred to in Sections 21 to 23, may be revoked under the conditions specified in Section 53 if the circumstances specified therein indicate that the danger against which the preventive measure is directed still exists.

2) If, in the case of paragraph 1, the conditional reprieve from placement in or conditional release from an institution specified in § 21 is not revoked, the court may extend the probationary period to a maximum of fifteen years. If the probationary period is only five years, the court may extend it to a maximum of ten years. At the same time, it shall examine whether and which new instructions are to be issued and whether, if this has not yet been done, a probation officer is to be appointed.

3) If, towards the end of the original or extended probationary period, there are special reasons to believe that the threat of placement is still necessary to prevent the danger against which the preventive measure is directed, the court may extend the probationary period by a maximum of three years. Repeated extensions are permissible.

4) If, in the case of conditional remission of placement in or conditional release from an institution pursuant to Section 21 (1), the offender has been instructed to undergo medical treatment and there is reason to believe that the offender will not comply with the instruction and therefore requires inpatient treatment in order to avert the danger against which the preventive measure is directed, the court shall notify the state police, which shall take the person concerned into temporary custody and bring them before the medical officer. preventive measure, the court shall notify the state police, who shall temporarily take the person concerned into custody and bring them before the public health officer. The court shall be informed of the measures subsequently taken.

5) However, if, in the case of conditional release from one of the institutions referred to in §§ 21 to 23, the preventive measure is reordered due to a punishable act committed during the probationary period (§ 53 (1)), the previous order for this measure becomes invalid.

6) Conditional release from an institution for offenders in need of rehabilitation shall not be revoked if the continuation of treatment appears futile from the outset.

§ 55

Revocation in the event of subsequent conviction

1) The conditional remission of a sentence, part of a sentence, or placement in an institution for offenders requiring rehabilitation shall be revoked if a subsequent conviction is made pursuant to § 31 and the conditional remission would not have been granted in the case of a joint conviction.

2) If the sentence, part of the sentence, or placement in an institution for offenders in need of rehabilitation was conditionally suspended in the subsequent conviction, this suspension shall be revoked if it would not have been granted in the case of a simultaneous conviction and the conviction that would have been taken into account in accordance with § 31 was not on record.

3) If the conditional reprieve is not revoked, each of the concurrent probationary periods shall last until the end of the probationary period that ends last, but not longer than five years.

§ 56

Revocation periods

The court may only issue the orders provided for in §§ 53 to 55 during the probationary period, but may also issue them within six months of the end of the probationary period or after the conclusion of criminal proceedings pending against the offender at the end of the probationary period if a criminal offense was committed during this period.

6. Section

Statute of limitations

Section

Statute of limitations

1) Criminal offenses punishable by imprisonment of ten to twenty years or life imprisonment, as well as criminal offenses

under Section 25 are not subject to a statute of limitations. However, after a period of twenty years has elapsed, the threatened life sentence is replaced by a prison sentence of ten to twenty years. Paragraph 2 and Section 58 apply accordingly to the period.

2) The punishability of other acts expires due to the statute of limitations. The limitation period begins as soon as the punishable activity is completed or the punishable behavior ceases.

3) The limitation period is

twenty years

if the act is punishable not by life imprisonment but by more than ten years' imprisonment;

ten years

if the act is punishable by imprisonment of more than five years but not more than ten years;

five years

if the act is punishable by imprisonment of more than one year but not more than five years;

three years,

if the act is punishable by imprisonment of more than six months but not more than one year;

one year,

if the act is punishable by imprisonment of not more than six months or only by a fine.

4) Upon the expiry of the limitation period, forfeiture and preventive measures shall also become inadmissible.

§ 58

Extension of the limitation period

1) If a result pertaining to the offense only occurs after the punishable activity has been completed or the punishable conduct has ceased, the limitation period shall not expire before either the result has occurred or one and a half times the period specified in § 57 (2), but at least three years, have elapsed since the date specified in § 57 (2).

2) If, during the limitation period, the offender commits another punishable act based on the same harmful inclination, the limitation period shall not expire before the limitation period for this act has also expired.

3) The following shall not be included in the limitation period:

1. the period during which, according to a statutory provision, prosecution cannot be initiated or continued, unless otherwise specified in paragraph 4;
2. the period during which criminal proceedings against the perpetrator are pending in court;
3. the period until the victim of a criminal offense against life and limb, against liberty, against sexual self-determination, or of another sexual offense reaches the age of 28, if the victim was a minor at the time the offense was committed.

3a) A suspension of the statute of limitations that has occurred in accordance with the preceding paragraphs shall remain effective even if, due to a subsequent amendment to the law, the offense would already have been time-barred under the new law at the time of the suspension.

4) If the offense is only prosecuted at the request, upon application, or with the authorization of an authorized person, the limitation period shall not be suspended if the prosecution is not requested or applied for or if the authorization is not granted.

§ 59

Limitation period for enforceability

1) The enforceability of a life sentence, a prison sentence of more than ten years, a sentence imposed for a criminal offense under Section 25, and placement in an institution for mentally abnormal offenders or dangerous repeat offenders shall not be subject to a statute of limitations.

2) The enforceability of other penalties, forfeiture, and preventive measures shall expire due to the statute of limitations. The limitation period shall commence upon the decision imposing the penalty, forfeiture, or preventive measure becoming final.

3) The limitation period is fifteen years

if a prison sentence of more than one year but not more than ten years has been imposed;

ten years

if a prison sentence of more than three months but not more than one year or a fine with a substitute prison sentence of more than three months has been imposed;

five years

in all other cases.

4) If several penalties or preventive measures have been imposed at the same time, the limitation period for the enforceability of all these penalties or measures shall be based on the penalty or measure for which the longest limitation period is provided. If a custodial sentence and a fine have been imposed at the same time, the substitute custodial sentence shall be added to the custodial sentence for the purpose of calculating the limitation period.

§ 60

Extension of the limitation period for enforcement

1) If a new penalty or preventive measure is imposed on the convicted person during the limitation period, the limitation period for enforcement shall not expire until the enforceability of this penalty or preventive measure has also expired.

2) The following shall not be included in the limitation period:

1. the probationary period in the case of a conditional remission of the sentence or placement in an institution for offenders in need of rehabilitation, or in the case of conditional release;

2. periods for which the convicted person has been granted a deferral of the execution of a prison sentence, except for reasons of unsuitability for execution, or of the payment of a fine;

3. periods during which the convicted person has been detained by order of the authorities;

4. Periods during which the convicted person has been abroad.

3) The enforcement of a custodial sentence or preventive measure involving deprivation of liberty interrupts the limitation period. If the interruption ends without the convicted person being finally released, the limitation period shall recommence, notwithstanding the provisions of paragraph 2.

7. Section

Scope

§ 61

Temporal applicability

Criminal laws shall apply to acts committed after they come into force. They shall apply to acts committed earlier if the

laws that were in force at the time of the act were not more favorable to the offender in their overall effect.

§ 62

Criminal acts committed within the country

Liechtenstein criminal laws apply to all acts committed within the country.

§ 63

Criminal offenses on board Liechtenstein ships or aircraft

Liechtenstein criminal law also applies to acts committed on board a Liechtenstein ship or aircraft, regardless of where it is located.

§ 64

Criminal offenses committed abroad that are punishable regardless of the laws of the place where the offense was committed

1) Liechtenstein criminal law applies independently of the criminal law of the place where the offense was committed to the following offenses committed abroad:

1. high treason (§ 242), preparation of high treason (§ 244), subversive associations (§ 246), attacks on supreme state organs (§§ 249 to 251) and treason (§§ 252 to 258) as well as criminal acts against national defense (§§ 259 and 260);

2. criminal acts committed by a person against a Liechtenstein official (§ 74 para. 1 no. 4), a Liechtenstein public official (Section 74 (1) (4a)) or a Liechtenstein arbitrator (Section 74 (1) (4b)) during or because of the performance of their duties and which are committed by someone as a Liechtenstein civil servant, Liechtenstein public official or Liechtenstein arbitrator;

2a. except in the case of No. 2, punishable violations of official duties, corruption, and related criminal acts (§§ 302 to 309), if

a) the perpetrator was a Liechtenstein citizen at the time of the offense, or

b) the offense was committed for the benefit of a Liechtenstein public official or Liechtenstein arbitrator;

3. false testimony in court (§ 288) and false testimony given under oath or confirmed by oath before an administrative authority (§ 289) in proceedings pending before a Liechtenstein court or administrative authority;

4. Violation of a trade or business secret (Section 122), spying on a trade or business secret (Section 123), spying on a trade or business secret for the benefit of a foreign country (Section 124), counterfeiting of money (§ 232), forgery of specially protected securities punishable under § 232 (§ 237), preparation for counterfeiting of money, securities, or tokens of value (§ 239), criminal organization (§ 278a) and crimes against the provisions of narcotics legislation, if Liechtenstein interests have been harmed by the act or the perpetrator cannot be extradited; 4a. Genital mutilation within the meaning of § 90 para. 3, kidnapping for ransom (§ 102), surrender to a foreign power (§ 103), slave trade (§ 104), human trafficking (§ 104a), aggravated coercion pursuant to § 106 (1) no. 3, forced marriage (§ 106a), prohibited adoption mediation (§ 193a), rape (§ 200), sexual coercion (§ 201), sexual harassment of minors pursuant to § 203 (3), sexual abuse of a defenseless or mentally impaired person (§ 204), aggravated sexual abuse of minors (§ 205), sexual abuse of minors (§ 206), moral endangerment of minors or young persons (§ 207), sexual abuse of minors (§ 208), initiation of sexual contact with minors (Section 209), immoral influence on minors (Section 209a), abuse of a position of authority pursuant to Section 212 (1), paid mediation of sexual contact with minors (Section 214), promotion of prostitution and pornographic performances by minors (§ 215a), cross-border prostitution trafficking (§ 217) and pornographic depictions of minors (§ 219), if

a) the perpetrator or victim is a Liechtenstein citizen or has their domicile or habitual residence in Liechtenstein,

b) the act has infringed upon other Liechtenstein interests, or

c) the perpetrator was a foreigner at the time of the offense, is residing in Liechtenstein, and cannot be extradited;

4b. Manufacture and dissemination of weapons of mass destruction (§ 177a), if the perpetrator is a Liechtenstein national, but with regard to the development of nuclear or radiological weapons only insofar as the act was not committed on behalf of or under the responsibility of a party to the Treaty on the Non-Proliferation of Nuclear Weapons, LGBL 1978 No. 15, which is a nuclear weapons state;

4c. Torture (§ 312a), enforced disappearance of a person (§ 312b) and criminal acts under Section 25, if

- a) the perpetrator or victim is a Liechtenstein national,
- b) the act has infringed upon other Liechtenstein interests, or
- c) the perpetrator was a foreigner at the time of the act and either has his habitual residence in Liechtenstein or is staying in Liechtenstein and cannot be extradited;

5. air piracy (§ 185), criminal acts committed in connection therewith against life and limb or against liberty, and intentional endangerment of aviation safety (§ 186), if

- a) the criminal act is directed against a Liechtenstein aircraft,
- b) the aircraft lands in the Principality of Liechtenstein and the perpetrator is still on board,
- c) the aircraft is leased without crew to someone who has their place of business or, in the absence of such a place, their habitual residence in the Principality of Liechtenstein, or
- d) the perpetrator is in the Principality of Liechtenstein and is not extradited;

6. other criminal offenses which the Principality of Liechtenstein is obliged to prosecute, even if they were committed abroad, irrespective of the criminal laws of the place where the offense was committed;

7. criminal offenses committed by a Liechtenstein national against another Liechtenstein national, if both have their domicile or habitual residence in Liechtenstein;

8. Repealed

9. Participation (§ 12) in a criminal offense committed by the direct perpetrator in Germany, as well as handling stolen goods (§ 164) and money laundering (§ 165) in relation to a (preliminary) offense committed in Germany;

10. terrorist organization (§ 278b) and terrorist offenses (§ 278c) as well as criminal acts committed in connection therewith pursuant to §§ 128 to 131, 144 and 145 as well as 223 and 224, furthermore financing of terrorism (§ 278d), training for terrorist purposes (§ 278e), instruction to commit a terrorist offense (§ 278f), travel for terrorist purposes (§ 278g) and related criminal offenses under §§ 223 and 224, as well as

incitement to commit terrorist offenses and approval of terrorist offenses (Section 282a), if

- a) the perpetrator was a Liechtenstein citizen at the time of the offense or if he acquired Liechtenstein citizenship later and still possesses it at the time of the initiation of criminal proceedings,
- b) the perpetrator had or has his or her domicile or habitual residence in Liechtenstein at the time of the offense or the initiation of criminal proceedings,
- c) the offense was committed for the benefit of a legal entity based in Liechtenstein,
- d) the offense was committed against the Prince, the Parliament, the Government, a court, or any other authority, or against the population of the Principality of Liechtenstein,
- e) the perpetrator was a foreigner at the time of the offense, is residing in Liechtenstein, and cannot be extradited;

11. Repealed

2) If the criminal laws referred to in paragraph 1 cannot be applied solely because the act is punishable by a more severe penalty, the act committed abroad shall nevertheless be punished under Liechtenstein criminal law, irrespective of the criminal laws of the place where the act was committed.

§ 65

Criminal acts committed abroad that are only punishable if they are punishable under the laws of the place where the act was committed

1) For acts other than those specified in Sections 63 and 64 that have been committed abroad, Liechtenstein criminal law shall apply, provided that the acts are also punishable under the laws of the place where they were committed:

1. if the offender was a Liechtenstein citizen at the time of the offense or if he or she acquired Liechtenstein citizenship later and still possesses it at the time of the initiation of criminal proceedings;

2. if the offender was a foreigner at the time of the offense, entered the country and cannot be extradited to another country for reasons other than the nature or characteristics of his offense.

2) The penalty shall be determined in such a way that the overall effect is not less favorable to the offender than under the law of the place where the offense was committed.

3) If there is no jurisdiction to punish the offense at the place where it was committed, it is sufficient if the offense is punishable under Liechtenstein law.

4) However, criminal liability does not apply:

1. if the punishability of the act has expired under the laws of the place where the act was committed;
2. if the offender has been acquitted by a court of the state in which the act was committed or has otherwise been exempted from prosecution;
3. if the offender has been convicted by a foreign court and the sentence has been fully enforced or, if it has not been enforced, has been waived or its enforceability has expired under foreign law;
4. as long as the enforcement of the sentence imposed by the foreign court is suspended in whole or in part.

5) Preventive measures provided for under Liechtenstein law shall, if the conditions for this are met, also be ordered against a Liechtenstein national if he or she cannot be punished in Liechtenstein for one of the reasons set out in the preceding paragraph.

§ 65a

Extended scope of forfeiture and confiscation for offenses committed abroad

Forfeiture and confiscation also apply to assets and objects located in Liechtenstein in relation to offenses that are also punishable under the laws of the place where the offense was committed but are not subject to Liechtenstein criminal law pursuant to Sections 62 to 65.

Section 66

Crediting of penalties imposed abroad

If the offender has already served a sentence abroad for the offense for which he or she is being punished in Liechtenstein, this sentence shall be credited against the sentence imposed in Liechtenstein.

§ 67

Time and place of the offense

- 1) The offender committed a punishable act at the time when he acted or should have acted; when the result occurs is not decisive.
- 2) The perpetrator has committed a punishable act at any place where he acted or should have acted, or where a result corresponding to the description of the offense has occurred in whole or in part, or should have occurred in the perpetrator's view.

8. Section

Definitions

§ 68

Calculation of time

Years and months are to be calculated according to the calendar. Periods of time are calculated in such a way that the day on which the event occurs with which the period begins is not counted. They end at the end of the last day.

§ 69

Public commission

An act is only considered to be committed in public if it can be directly observed by a large group of people.

§ 70

Commercial commission

A criminal act is committed commercially if it is committed with the intention of obtaining a continuous income through its repeated commission.

§ 71

Harmful tendency

Acts punishable by law are based on the same harmful inclination if they are directed against the same legal interest or are attributable to similar reprehensible motives or the same character flaw.

§ 72

Relatives

1) A person's relatives include their direct relatives and relatives by marriage, their spouse or registered partner and the siblings of their spouse or registered partner, their siblings and their spouses or registered partners, children and grandchildren, the siblings of their parents and grandparents, their cousins, the father or mother of their child, their adoptive and foster parents, their adoptive and foster children, the guardians of minors and their wards.

2) Persons who live together in a de facto relationship are treated as relatives, and the children and grandchildren of one of them are treated as relatives of the other.

§ 73

Foreign convictions

Unless the law expressly refers to convictions by a domestic court, foreign convictions are equivalent to domestic convictions if they

find the offender guilty of an act that is also punishable under the law of the Principality of Liechtenstein, and have been handed down in proceedings that comply with the principles of Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

§ 74

Other definitions

1) For the purposes of this Act:

1. minor: a person who has not yet reached the age of fourteen;

2. juvenile: a person who has reached the age of fourteen but not yet the age of eighteen;

3. minor: a person who has not yet reached the age of eighteen;

4. civil servant: any person appointed to act on behalf of the state, a municipal association, a municipality, or another public-law entity, with the exception of a church or religious community, as its sole or joint representative in legal transactions, or otherwise entrusted with tasks of state or municipal administration; a civil servant is also anyone who, under another law or on the basis of an intergovernmental agreement, is treated as equivalent to a Liechtenstein civil servant when working in Liechtenstein;

4a. Public official: anyone who

a) for the state, a municipal association, a municipality, another public-law entity, with the exception of a church or religious community, another state, or an international organization, performs legislative, administrative, or judicial functions as an organ or employee thereof,

b) is otherwise authorized to perform official duties on behalf of the entities referred to in letter a in the execution of laws, or

c) acts as an organ or employee of an enterprise in which one or more domestic or foreign local authorities hold, directly or indirectly, more than half of the share capital, equity capital, or net assets, which such local authority operates alone or jointly with other such local authorities or effectively controls through financial or other economic or organizational measures;

- 4b. Arbitrator: any decision-maker of an arbitral tribunal within the meaning of §§ 603 ff. ZPO (Liechtenstein Code of Civil Procedure) with its seat in Germany or a seat that has not yet been determined (Liechtenstein arbitrator) or with its seat abroad;
5. Dangerous threat: a threat of injury to a body, liberty, honor, property, or the most personal sphere of life by making accessible, disclosing, or publishing facts or images that are likely to instill justified concern in the threatened party in view of the circumstances and his or her personal circumstances or the seriousness of the threatened harm, regardless of whether the threatened harm is directed against the threatened person themselves, their relatives, or other persons under their protection or personally close to them;
6. Remuneration: any consideration that can be valued in monetary terms, even if it is intended to benefit a person other than the person to whom it is offered or given;
7. Document: a written instrument created to establish, modify, or terminate a right or legal relationship, or to prove a fact of legal significance;
8. Computer system: both individual and connected devices used for automated data processing;
9. Non-cash means of payment: any personal or transferable physical means of payment that identifies the issuer, is protected against counterfeiting or misuse by means of coding, design or signature, and has a cash-substitute function in legal transactions or serves to issue cash;
10. Critical infrastructure: facilities, installations, systems, or parts thereof that are essential for maintaining public safety, national defense, or the protection of the civilian population against the dangers of war, the functioning of public information and communication technology, the prevention or combating of disasters, public health services, the public supply of water, energy, and vital goods, public waste disposal and sewerage, or public transport.
- 1a) For the purposes of this Act, data includes both personal and non-personal data as well as programs.

2) If a provision refers to the concept of an object or good, it shall apply *mutatis mutandis* to animals.

3) Senior executives are defined as employees of a company who have a significant influence on its management. They are equivalent to managing directors, members of the executive board or board of directors, and authorized signatories.

9. Section

Responsibility of legal entities

§ 74a

Responsibility

1) Legal entities are responsible, unless they are acting in accordance with the law, for misdemeanors and crimes that are committed unlawfully and culpably by managers as such in the course of business activities within the scope of the legal entity's purpose (predicate offenses).

2) Legal entities are

1. legal entities entered in the commercial register and legal entities that have neither their registered office nor a place of business or branch in Germany, provided that they would be required to be entered in the commercial register under Liechtenstein law, and

2. Foundations and associations that are not entered in the commercial register, as well as foundations and associations that have neither their registered office nor a place of business or branch office in Germany.

3) A manager is someone who

1. is authorized to represent the legal entity externally,

2. exercises control in a managerial position, or

3. otherwise exercises significant influence over the management of the legal entity.

4) The legal entity is only responsible for acts committed by employees of the legal entity, even if not culpable, if the commission of the act was made possible or significantly facilitated by the fact that managers within the meaning of paragraph 3 failed to take the necessary and reasonable measures to prevent such acts.

5) The liability of the legal entity for the predicate offense and the criminal liability of managers or employees for the same offense are not mutually exclusive.

§ 74b

Corporate fine

1) If a legal entity is responsible for an underlying offense, a corporate fine shall be imposed on it.

2) The corporate fine shall be calculated in daily rates. It shall amount to at least one daily rate.

3) The number of daily rates is up to 180,

if the offense is punishable by life imprisonment or imprisonment for up to twenty years;

155,

if the offense is punishable by imprisonment for up to fifteen years;

130,

if the offense is punishable by imprisonment for up to ten years;

100,

if the offense is punishable by imprisonment for up to five years; 85,

if the offense is punishable by imprisonment for up to three years; 70,

if the offense is punishable by imprisonment for up to two years, 55,

if the offense is punishable by imprisonment for up to one year; 40,

in all other cases.

4) The daily rate shall be calculated on the basis of the legal entity's earnings, taking into account its other economic capacity. It shall be set at an amount corresponding to 360th of the annual earnings or not exceeding or falling below this amount by more than one third, but at a minimum of 100 francs and a maximum of 15,000 francs. If the legal entity serves charitable, humanitarian, or religious purposes, or if it is otherwise not profit-oriented, the daily rate shall be set at a minimum of 4 and a maximum of 1,000 Swiss francs.

5) The number of daily rates shall be determined according to the severity and consequences of the offense and the severity of the organizational deficiency. In addition, the conduct of the legal entity after the offense shall be taken into account, in particular whether it has remedied the consequences of the offense.

§ 74c

Conditional leniency and instructions

1) If the legal entity is sentenced to a corporate fine, the corporate fine shall be reviewed after a probationary period of at least one and at most three years, if necessary with instructions being issued (para. 3), if it can be assumed that this will be sufficient to deter the legal entity from committing further offenses for which it is responsible (Section 74a) and if the enforcement of the corporate fine is not necessary to counteract the commission of offenses within the scope of the activities of other legal entities. In particular, the nature of the offense, the severity of the organizational deficiency, previous convictions of the legal entity, the reliability of the managers, and the measures taken by the legal entity after the offense must be taken into account.

2) If a legal entity is sentenced to a corporate fine and the conditions of paragraph 1 apply to part of the corporate fine, this part, but at least one-third and at most five-sixths, shall be conditionally suspended for a probationary period of at least one and at most three years, if necessary with instructions being issued (paragraph 3).

3) If a legal entity is granted full or partial remission of the association fine, the court may impose technical, organizational, or personnel measures as instructions to prevent the commission of further acts for which the legal entity is responsible. In any case, the legal entity shall be instructed to make good the damage resulting from the offense to the best of its ability, insofar as this has not already been done.

§ 74d

Legal succession

1) If the rights and obligations of the legal entity are transferred to another legal entity by way of universal succession, the legal consequences provided for in this Act or the Code of Criminal Procedure shall apply to the

Legal consequences imposed on the predecessor shall also apply to the successor.

2) Universal succession shall be treated as equivalent to individual succession if the legal entity remains essentially under the same ownership and its business or activities are essentially continued.

3) If there is more than one legal successor, the association fine may be enforced against each legal successor. Other legal consequences may be assigned to individual legal successors insofar as they relate to their area of activity.

§ 74e

Domestic jurisdiction

If the law makes the applicability of Liechtenstein criminal law to acts committed abroad dependent on the perpetrator's residence or place of abode in Liechtenstein or on their Liechtenstein citizenship, the place of business or branch office shall be decisive for legal entities.

§ 74f

Limitation period for enforceability

The limitation period for the enforceability of the imposed corporate fine is ten years.

§ 74g

Application of general criminal laws

1) In all other respects, the general criminal laws shall also apply mutatis mutandis to legal entities, insofar as they are not exclusively applicable to natural persons.

2) If a legal entity is sentenced to a corporate fine, the statutory provisions on the joint and several liability of legal entities for fines and costs shall not apply.

Special section

1. Section

Criminal offenses against life and limb

§ 75

Murder

Anyone who kills another person shall be punished with imprisonment for a term of ten to twenty years or with life imprisonment.

§ 76

Manslaughter

Anyone who, in a generally understandable fit of intense emotion, is carried away to the point of killing another person shall be punished with imprisonment for five to ten years.

§ 77

Killing on request

Anyone who kills another person at their serious and urgent request shall be punished with imprisonment from six months to five years.

§ 78

Assistance in suicide

Anyone who, for reprehensible reasons, induces another person to kill themselves or assists them in doing so shall be punished with imprisonment from six months to five years.

§ 79

Killing a child at birth

A mother who kills her child during childbirth or while still under the influence of the birth process shall be punished with imprisonment from six months to five years.

§ 80

Negligent homicide

1) Anyone who negligently causes the death of another person shall be punished with imprisonment for up to one year or a fine of up to 720 daily rates.

2) If the act results in the death of several persons, the perpetrator shall be punished with imprisonment of up to two years.

§ 81

Grossly negligent homicide

1) Anyone who causes the death of another person through gross negligence (§ 6 (3)) shall be punished with imprisonment of up to three years.

2) Anyone who causes the death of another person through negligence shall also be punished after having, prior to the act, even if only negligently, brought themselves into a state of intoxication that does not exclude criminal responsibility by consuming alcohol or using another intoxicating substance, even though they foresaw or could have foreseen that they were about to engage in an activity whose performance in this state would endanger the life, health, or physical safety of another person.

3) Anyone who causes the death of a large number of people through gross negligence (§ 6 (3)) or in the case described in paragraph 2 shall be punished with imprisonment of six months to five years.

§ 82

Abandonment

1) Anyone who endangers the life of another person by placing them in a helpless situation and abandoning them in that situation shall be punished with imprisonment from six months to five years.

2) Anyone who endangers the life of another person who is in their care or whom they are otherwise obliged to assist (Section 2) by abandoning them in a helpless situation shall also be punished.

3) If the act results in the death of the endangered person, the perpetrator shall be punished with imprisonment of one to ten years.

§ 83

Bodily injury

1) Anyone who injures another person or causes damage to their health shall be punished with imprisonment for up to one year or a fine of up to 720 daily rates.

2) Anyone who mistreats another person and thereby negligently injures them or damages their health shall also be punished.

§ 84

Serious bodily injury

1) Anyone who physically abuses another person and thereby negligently causes damage to their health or incapacity to work lasting longer than twenty-four days, or causes a serious injury or damage to health, shall be punished with imprisonment of up to three years.

2) Anyone who commits bodily injury (§ 83 (1) or (2)) against a public official, witness, or expert during or because of the performance of their duties or the fulfillment of their obligations shall also be punished.

3) The perpetrator shall also be punished if he has committed at least three independent acts (Section 83 (1) or (2)) without comprehensible cause and using considerable force.

4) Anyone who causes bodily injury or damage to the health of another person and thereby,

causes serious bodily injury or damage to health (para. 1) to the other person, even if only through negligence.

5) Similarly, anyone who commits bodily injury (Section 83 (1) or (2))

1. in a manner that endangers life,
2. in concert with at least two other persons, or
3. by inflicting particular suffering.

§ 85

Bodily injury with serious permanent consequences

1) Anyone who physically abuses another person and thereby negligently causes permanent or long-term

1. the loss or serious impairment of speech, vision, hearing, or reproductive capacity,

2. causes significant mutilation or conspicuous disfigurement or

3. serious suffering, infirmity, or occupational disability of the injured party shall be punished with imprisonment from six months to five years.

2) Anyone who injures another person's body or damages their health and thereby, even if only through negligence, causes serious permanent consequences (paragraph 1) to the injured person shall be punished with imprisonment of one to ten years.

§ 86

Assault resulting in death

1) Anyone who physically abuses another person and thereby negligently causes their death shall be punished with imprisonment of one to ten years.

2) Anyone who injures another person physically or causes damage to their health and thereby negligently causes their death shall be punished with imprisonment of between one and fifteen years.

§ 87

Intentional grievous bodily harm

1) Anyone who intentionally inflicts grievous bodily harm (§ 84 (1)) on another person shall be punished with imprisonment from one to ten years.

2) If the act results in serious permanent consequences (§ 85), the perpetrator shall be punished with imprisonment from one to fifteen years; if the act results in the death of the injured party, the perpetrator shall be punished with imprisonment from five to fifteen years.

§ 88

Negligent bodily injury

1) Anyone who negligently injures another person or causes damage to their health shall be punished with imprisonment of up to three months or a fine of up to 180 daily rates.

2) If the perpetrator does not act with gross negligence (§ 6 (3)) and if

1. the injured person is related to the perpetrator in an ascending or descending line or by marriage, or is his spouse, registered partner, brother, or sister, or is to be treated as a relative of the perpetrator in accordance with Section 72 (2),

2. the act did not result in damage to the health or occupational disability of another person lasting more than fourteen days, or

3. the perpetrator is a member of a legally regulated health profession and the bodily injury was inflicted in the course of his or her professional duties, the offender shall not be punished under paragraph 1.

3) Anyone who, through gross negligence (§ 6 (3)) or in the case described in § 81 (2), causes bodily injury or damage to the health of another person shall be punished with imprisonment of up to six months or a fine of up to 360 daily rates.

4) If the act under paragraph 1 results in serious bodily injury (§ 84 (1)), the perpetrator shall be punished with imprisonment for up to six months or a fine of up to 360 daily rates. If the act under paragraph 3 results in serious bodily injury (§ 84 (1)), the offender shall be punished with imprisonment of up to two years, but if it results in serious bodily injury (§ 84 (1)) to a larger number of people, the offender shall be punished with imprisonment of up to three years.

§ 89

Endangerment of physical safety

Anyone who intentionally, through gross negligence (§ 6 (3)), or negligently under the circumstances described in § 81 (2), causes danger to the life, health, or physical safety of another person shall be punished with imprisonment for up to three months or a fine of up to 180 daily rates.

§ 90

Consent of the injured party

1) Bodily injury or endangerment of physical safety is not unlawful if the injured or endangered person consents to it and the injury or endangerment as such does not violate public morality.

2) Sterilization performed by a doctor on a person with their consent is not unlawful if either the person has already reached the age of twenty-five or the procedure does not violate public morality for other reasons.

3) Consent cannot be given to mutilation or other injury to the genitals that is likely to cause lasting impairment of sexual sensation.

§ 91

Fighting

1) Anyone who participates in a brawl or assault by several persons shall be punished for this participation alone with imprisonment for up to one year or a fine of up to 720 daily rates if the brawl or assault by several persons causes serious bodily injury (Section 84 (1)), but if it causes the death of another person, with imprisonment for up to two years.

2) The perpetrator who cannot be blamed for their participation shall not be punished.

§ 92

Abuse or neglect of a minor, young person, or defenseless person

1) Anyone who inflicts physical or mental torment on another person who is under their care or custody and who is under the age of eighteen or is defenseless due to frailty, illness, or mental disability shall be punished with imprisonment for up to two years.

2) Anyone who grossly neglects their duty of care or custody towards such a person and thereby, even if only through negligence, causes considerable damage to their health or physical or mental development shall also be punished.

3) If the act results in grievous bodily harm (Section 84 (1)), the perpetrator shall be punished with imprisonment of up to three years; if it results in bodily harm with serious permanent consequences (Section 85), with imprisonment of up to five years; if it results in the death of the victim, with imprisonment of one to ten years.

§ 93

Overworking of minors, young persons, or persons in need of protection

1) Anyone who, out of malice or recklessness, overworks another person who is dependent on them or under their care or supervision and who is under the age of eighteen or who, due to their state of health, is obviously in need of special care, thereby causing, even if only through negligence, the risk of death or serious bodily injury or damage to health shall be punished with imprisonment for up to two years.

2) If the act has one of the consequences specified in § 92 (3), the penalties specified therein shall be imposed.

§ 94

Failure to assist an injured person

1) Anyone who fails to provide the necessary assistance to another person whose bodily injury (§ 83) they have caused, even if not unlawfully, shall be punished with imprisonment for up to one year or a fine of up to 720 daily rates.

2) If the failure to render assistance results in serious bodily injury (§ 84 (1)) to the injured person, the perpetrator shall be punished with imprisonment of up to two years; if it results in death, the perpetrator shall be punished with imprisonment of up to three years.

3) The perpetrator is excused if he cannot reasonably be expected to provide assistance. In particular, assistance cannot reasonably be expected if it would only be possible at the risk of death or serious bodily injury or damage to health or in violation of other overriding interests.

4) The perpetrator shall not be punished under paragraphs 1 and 2 if he or she is already facing the same or a more severe penalty for the injury.

§ 95

Failure to provide assistance

1) Anyone who, in the event of an accident or a public danger (§ 176) fails to provide the assistance obviously necessary to rescue a person from the danger of death or serious bodily injury or damage to health shall be punished with imprisonment for up to six months or a fine of up to 360 daily rates, unless the failure to provide assistance results in the death of a person, shall be punished with imprisonment for up to one year or a fine of up to 720 daily rates, unless the perpetrator cannot reasonably be expected to provide assistance.

2) Assistance is particularly unreasonable if it would only be possible at risk to life and limb or in violation of other significant interests.

2. Section

Termination of pregnancy

§ 96

Termination of pregnancy

1) Anyone who terminates a pregnancy with the consent of the pregnant woman shall be punished with imprisonment for up to one year or a fine of up to 720 daily rates; if the act is committed commercially, the punishment shall be imprisonment for up to three years.

2) If the direct perpetrator is not a physician, they shall be punished with imprisonment of up to three years; if they commit the act commercially or if it results in the death of the pregnant woman, they shall be punished with imprisonment of six months to five years.

3) A woman who terminates her pregnancy herself or has it terminated by a person who is not a doctor shall be punished with imprisonment for up to one year or a fine of up to 720 daily rates.

4) The act is not punishable under paragraphs 1 and 3 if the termination of pregnancy

1. is necessary to avert a serious danger to the life or health of the pregnant woman that cannot be averted in any other way, or if the pregnant woman was a minor at the time of conception, or if the pregnant woman was the victim of rape (§ 200), sexual coercion (§ 201) or sexual abuse of a defenseless or mentally impaired person (§ 204) and the pregnancy is the result of such an act, and if, furthermore, in all these cases the termination is performed by a physician or

2. is performed to save the pregnant woman from an immediate, unavoidable danger to her life under circumstances in which medical assistance cannot be obtained in time.

§ 97

Termination of pregnancy without the consent of the pregnant woman

1) Anyone who terminates a pregnancy without the consent of the pregnant woman shall be punished with imprisonment of up to three years; if the act results in the death of the pregnant woman, the punishment shall be imprisonment of six months to five years.

2) The perpetrator shall not be punished under paragraph 1 if the termination of pregnancy is performed to save the pregnant woman from an immediate, unavoidable danger to her life under circumstances in which the consent of the pregnant woman cannot be obtained in time.

§ 98

Reckless interference with a pregnant woman

Anyone who, without first conscientiously ascertaining that one of the dangers referred to in §§ 96 (4) and 97 (2) actually exists, mistakenly assumes such a danger and, on the basis of this assumption, terminates the pregnancy or persuades the pregnant woman to consent to the termination of pregnancy, or otherwise contributes to the termination of a pregnancy, shall be punished, if he is a physician, with imprisonment for up to one year, but if he is not a physician, with imprisonment for up to six months or a fine of up to 360 daily rates.

§ 98a

Offering to terminate a pregnancy and advertising means for this purpose

Anyone who publicly offers their own or third-party services or advertises, promotes, displays, or otherwise makes available means, objects, or procedures with the intention of promoting the termination of pregnancies shall be punished with imprisonment for up to one year or a fine of up to 360 daily rates.

3. Section

Criminal offenses against freedom

§ 99

Deprivation of liberty

1) Anyone who unlawfully imprisons another person or otherwise deprives them of their personal liberty shall be punished with imprisonment for up to three years.

2) Anyone who maintains the deprivation of liberty for longer than one month or does so in such a way that it causes particular suffering to the person detained, or commits it under circumstances that are associated with particularly serious disadvantages for that person, shall be punished with imprisonment of between one and ten years.

§ 100

Abduction of a person who is incapable of resistance

Anyone who abducts a person who is mentally ill or in a state that renders them incapable of resistance for the purpose of sexually abusing them or subjecting them to sexual acts shall be punished with imprisonment from six months to five years.

§ 101

Kidnapping of a minor

Anyone who abducts a minor for the purpose of sexually abusing them or subjecting them to sexual acts shall be punished with imprisonment from six months to five years.

§ 102

Kidnapping for ransom

1) Anyone who kidnaps or otherwise seizes another person without their consent, using force or after obtaining consent through dangerous threats or deception, in order to coerce a third party into performing, tolerating, or refraining from performing an act, shall be punished with imprisonment of ten to twenty years.

2) Anyone who

1. with the intent referred to in paragraph 1, abducts or otherwise takes control of a minor, a mentally ill person, or a person who is incapable of resistance due to their condition, or

2. coerces a third party into an act, tolerance, or omission by exploiting an abduction or other seizure of a person carried out without intent to coerce.

3) If the act results in the death of the person who has been abducted or otherwise taken into custody by the perpetrator, the perpetrator shall be punished with imprisonment of ten to twenty years or life imprisonment.

4) If the perpetrator voluntarily releases the person who has been kidnapped or otherwise seized by the perpetrator without serious harm, waiving the desired performance, the perpetrator shall be punished with imprisonment from six months to five years.

§ 103

Surrender to a foreign power

1) Anyone who, without consent, uses force or obtains consent through dangerous threats or deception to hand over another person to a foreign power, as well as anyone who hands over a person who is not of legal age, mentally ill, or unable to resist due to their condition, is guilty of a crime if the perpetrator or the person handed over is a Liechtenstein citizen or has a permanent residence permit in Liechtenstein. minor, mentally ill person, or a person incapable of resistance due to their condition to a foreign power, shall be punished with imprisonment of ten to twenty years if the perpetrator or the person handed over is a Liechtenstein citizen or if the person handed over was in the country at the time of the offense.

2) If the act does not expose the victim to significant danger, the perpetrator shall be punished with imprisonment of five to ten years.

§ 104

Slave trade

1) Anyone who engages in slave trade shall be punished with imprisonment of ten to twenty years.

2) Anyone who causes another person to be enslaved or placed in a situation similar to slavery, or who causes another person to enter into slavery or a situation similar to slavery, shall be punished in the same way.

§ 104a

Human trafficking

1) Anyone who recruits, harbors, or otherwise takes in, transports, or offers or passes on to another person an adult with the intention of exploiting that person (paragraph 3), using unfair means (paragraph 2), shall be punished with imprisonment of six months to five years.

2) Unfair means include the use of force or dangerous threats, deception about facts, exploitation of a position of authority, a situation of distress, mental illness or a condition that renders the person defenseless, intimidation, and the granting or acceptance of an advantage for the transfer of control over the person.

3) Exploitation includes sexual exploitation, exploitation through organ removal, labor exploitation, exploitation for begging, and exploitation for the purpose of committing acts punishable by law.

4) Anyone who commits the act as part of a criminal organization, using serious violence or in such a way that the act intentionally or through gross negligence (§ 6 (3)) endangers the life of the person or results in particularly serious harm to the person shall be punished with imprisonment of one to ten years.

5) Anyone who recruits, harbors, or otherwise takes in, transports, or offers or passes on a minor with the intention of exploiting them (para. 3) shall also be punished with imprisonment of one to ten years.

§ 105

Coercion

1) Anyone who uses force or dangerous threats to coerce another person into performing, tolerating, or refraining from performing an act shall be punished with imprisonment for up to one year or a fine of up to 720 daily rates.

2) The act is not unlawful if the use of force or threats as a means to the desired end is not contrary to public morality.

§ 106

Serious coercion

1) Anyone who commits coercion by

1. threatens death, serious mutilation or conspicuous disfigurement, kidnapping, arson, endangerment through nuclear energy, ionizing radiation or explosives, or the destruction of economic existence or social position,

2. the coerced person or another person against whom the violence or dangerous threat is directed is placed in a state of agony for a prolonged period of time by these means, or

3. causes the coerced person to engage in prostitution, participate in a pornographic performance (§ 215a (3)), undergo an abortion (§ 96), or otherwise perform, tolerate, or omit an act that violates particularly important interests of the coerced person or a third party,

shall be punished with imprisonment from six months to five years.

2) If the act results in the suicide or attempted suicide of the coerced person or another person against whom the violence or dangerous threat is directed, the perpetrator shall be punished with imprisonment from one to ten years.

3) The same penalty shall apply to anyone who commits coercion into prostitution or participation in a pornographic performance against a minor, within the framework of a criminal organization, using serious violence or in such a way that the act intentionally or through gross negligence endangers the life of the person (§ 6 (1))

3) or the act results in a particularly serious disadvantage for the person.

§ 106a

Forced marriage

1) Anyone who coerces a person by force or by dangerous threats or threats to sever or withdraw family contacts into marriage or into entering into a registered partnership shall be punished with imprisonment from six months to five years.

2) Anyone who, with the intention of forcing a person to marry or enter into a registered partnership in a country other than the country of which they are a national or in which they have their habitual residence (para. 1), by deceiving them about this intention or by coercing them with violence or dangerous threats or threats to break off or withdraw family contacts to go to another country, or by transporting them to another country by force or by exploiting their misconception about this intention.

3) Section 106 (2) applies mutatis mutandis.

§ 107

Dangerous threats

1) Anyone who makes dangerous threats against another person in order to cause them fear and anxiety shall be punished with imprisonment of up to one year or a fine of up to 720 daily rates.

2) Anyone who makes a dangerous threat by threatening death, serious mutilation or conspicuous disfigurement, kidnapping, arson, endangerment through nuclear energy, ionizing radiation, or explosives, or with the destruction of economic existence or social position, or who causes the threatened person or another person against whom the violence or dangerous threat is directed to suffer prolonged torment by these means, shall be punished with imprisonment for up to three years.

3) In the cases referred to in Section 106(2), the penalty provided for therein shall be imposed.

4) Repealed

Section 107a

Persistent persecution

1) Anyone who unlawfully persistently persecutes a person (para. 2) shall be punished with imprisonment of up to two years.

2) Persistent stalking is defined as continuing to seek out a person over a longer period of time in a manner that is likely to unreasonably interfere with their lifestyle

1. seeking their physical proximity,

2. establishes contact with them by means of electronic communication or other means of communication or through third parties,

3. orders goods or services for them using their personal data, or

4. causes third parties to contact them using their personal data.

3) If the act results in the suicide or attempted suicide of the person prosecuted within the meaning of paragraph 2, the perpetrator shall be punished with imprisonment of up to three years.

§ 107b

Continued use of violence

1) Anyone who continuously uses violence against another person over a longer period of time shall be punished with imprisonment of up to three years.

2) Violence within the meaning of paragraph 1 is committed by anyone who physically abuses another person or commits intentional acts punishable by law against life and limb or against freedom, with the exception of criminal acts under Sections 107a, 108, and 110.

3) Anyone who

1. commits the act against a minor or a person who is defenseless due to frailty, illness, or mental disability, or

2. gains comprehensive control over the behavior of the injured person or causes a significant restriction of the injured person's autonomous lifestyle.

4) Anyone who commits an act under paragraph 3 in a particularly cruel manner or who repeatedly commits crimes against sexual self-determination and other sex-related offenses as part of continued violence under paragraph 3 shall be punished with imprisonment of between one and ten years. If an act under paragraph 3 results in bodily injury with serious permanent consequences (§ 85) or if the violence

under paragraph 3 is exercised for more than one year, the perpetrator shall be punished with imprisonment of five to fifteen years, but if it results in the death of the injured person, with imprisonment of ten to twenty years.

5) The perpetrator shall not be punished under the above provisions if the act is punishable by a more severe penalty under another provision.

§ 107c

Continued harassment by means of electronic communication or a computer system

1) Anyone who, by means of electronic communication or using a computer system in a manner likely to unreasonably interfere with a person's lifestyle, persistently

1. in a manner that is likely to unreasonably interfere with a person's life, or

2. makes facts or images relating to a person's highly personal sphere of life perceptible to a large number of people without that person's consent,

shall be punished with imprisonment of up to one year or a fine of up to 720 daily rates.

2) If the act results in the suicide or attempted suicide of the person injured within the meaning of paragraph 1, the perpetrator shall be punished with imprisonment for up to three years.

§ 108

Deception

1) Anyone who intentionally causes damage to another person's rights by deceiving them or a third party about facts in order to induce them to act, tolerate or omit something that causes the damage shall be punished with imprisonment for up to one year or a fine of up to 720 daily rates.

2) The perpetrator may only be prosecuted with the authorization of the person whose rights have been violated, unless the offense was committed by deceiving a public official in connection with an official act.

§ 109

Trespassing

1) Anyone who enters a house, a dwelling, a locked room intended for public service or for the exercise of a profession or trade, or an enclosed space directly belonging to a house

or, despite being requested by an authorized person to leave immediately, remains there, shall be punished with imprisonment for up to three months or a fine of up to 180 daily rates.

2) Anyone who uses force or threats of force to gain entry to an area referred to in paragraph 1, or who resists a request by an authorized person to leave immediately by using force or threats of force, shall be punished with imprisonment for up to one year or a fine of up to 720 daily rates.

3) If the perpetrator who enters an area referred to in paragraph 1 by force or by threatening to use force has either

1. the intention of using violence against a person or object located there, or
2. carries a weapon or other means to overcome or prevent resistance by a person, either himself or with his knowledge of another participant (§ 12), or

3. the intrusion of several persons is forced, he shall be punished with imprisonment of up to three years.

4) If the perpetrator or another person involved with his knowledge (§ 12) carries a weapon or other means to force further unauthorized presence in an area referred to in paragraph 1 despite a request by an authorized person to leave immediately, or if force or the threat of force is used to force several persons to remain, anyone who participates in the resistance shall be punished with imprisonment of up to one year for this participation alone, but anyone who resists with violence or threats of violence shall be punished with imprisonment of up to three years.

5) Anyone who cannot be blamed for participating (paragraph 4) shall not be punished.

6) The offender shall only be punished for trespassing if the act is not punishable by a more severe penalty under another provision.

7) In the cases referred to in paragraphs 1 and 2, the offender may only be prosecuted with the authorization of the person whose rights have been violated.

§ 110

Unauthorized medical treatment

1) Anyone who treats another person without their consent, even if in accordance with the rules of medical science, shall be punished with imprisonment for up to six months or a fine of up to 360 daily rates.

2) If the perpetrator did not obtain the consent of the person being treated on the assumption that postponing treatment would seriously endanger the life or health of the person being treated, he shall only be punished under paragraph 1 if the supposed danger did not exist and he could have been aware of this by exercising the necessary care (§ 6).

3) The perpetrator shall only be prosecuted at the request of the person treated without authorization.

4. Section

Criminal offenses against honor

§ 111

Defamation

1) Anyone who, in a manner perceptible to a third party, accuses another person of a despicable characteristic or attitude, or of dishonorable behavior or behavior contrary to public decency, which is likely to make them contemptible or disparage them in public opinion, shall be punished with imprisonment for up to six months or a fine of up to 360 daily rates.

2) Anyone who commits the offense in a printed publication, on the radio, or in any other manner that makes the defamation accessible to a broad public shall be punished with imprisonment for up to one year or a fine of up to 720 daily rates.

3) The offender shall not be punished if the allegation is proven to be true. In the case of paragraph 1, the offender shall also not be punished if circumstances are proven which gave the offender sufficient reason to believe the allegation to be true.

4) Proof of truth and proof of good faith shall only be taken if the perpetrator invokes the accuracy of the allegation or his good faith. Proof of truth and proof of good faith shall not be admissible in relation to facts of private or family life or criminal acts that are only prosecuted at the request of a third party. Similarly, proof of truth and proof of good faith shall not be admissible in relation to facts and allegations that were primarily put forward or disseminated with the intention of accusing someone of wrongdoing.

§ 112

Defamation

1) Anyone who, in a manner perceptible to a third party, accuses another person of a despicable characteristic or attitude, or of dishonorable or immoral behavior that is likely to make them contemptible or disparage them in public opinion, shall be punished, if they know (§ 5 (3)) that the accusation is false, shall be punished with imprisonment for up to two years or a fine of up to 360 daily rates.

2) Anyone who commits the offense in a printed publication, on radio or television, or in any other manner whereby the defamation becomes accessible to a broad public shall be punished with imprisonment for up to three years or a fine of up to 360 daily rates.

§ 113

Accusation of a criminal act that has already been dismissed

Anyone who accuses another person in a manner perceptible to a third party of a criminal offense for which the punishment has already been carried out or, even if only conditionally, waived or remitted, or for which the imposition of a punishment has been waived, shall be punished with imprisonment for up to three months or a fine of up to 180 daily rates.

§ 114

Immunity from punishment for exercising a right or coercion due to special circumstances

1) If an act referred to in § 111, § 112, or § 113 fulfills a legal obligation or exercises a right, the act is justified.

2) Anyone who, due to special circumstances, is compelled to make a statement in accordance with § 111, § 112, or § 113 in the form and manner in which it is made shall not be punished unless the statement is incorrect and the perpetrator could have been aware of this by exercising the necessary care (§ 6).

§ 115

Insult

1) Anyone who insults, mocks, physically abuses, or threatens physical abuse against another person in a manner perceptible to a third party shall be punished with imprisonment for up to one month or a fine of up to 60 daily rates, unless they are subject to a more severe penalty under another provision.

shall be punished with imprisonment for up to one month or a fine of up to 60 daily rates.

2) Anyone who commits the act referred to in paragraph 1 in public or in front of several people shall, unless they are subject to a more severe penalty under another provision, be punished with imprisonment of up to three months or a fine of up to 180 daily rates.

3) An act is committed in front of several people if it is committed in the presence of more than two persons other than the perpetrator and the victim and if these persons are able to perceive it.

4) Anyone who, solely out of indignation at the behavior of another person, is carried away into insulting, mistreating, or threatening to mistreat that person in a manner that is excusable under the circumstances is excused if their indignation is generally understandable, particularly in view of the time that has elapsed since the occasion that gave rise to it.

§ 116

Public insult of the state parliament, the government, or another public authority

Acts under § 111, § 112, or § 115 are also punishable if they are directed against the state parliament, the government, or another public authority and are committed in public. The provisions of §§ 111 (3) and (4) and 114 also apply to such criminal acts.

Section 117

Right to bring charges

1) Criminal offenses against honor shall only be prosecuted at the request of the person whose honor has been violated. However, they shall be prosecuted ex officio if they are directed against the sovereign, the state parliament, the government, or another public authority. The authorization of the offended person, the offended state parliament, or the offended authority must be obtained for prosecution.

2) If a criminal offense against honor is committed against a civil servant or a pastor of a church or religious society existing in the country during the exercise of his office or service, the public prosecutor shall prosecute the offender with the authorization of the injured party and the superior authority within the period otherwise available to the injured party for requesting prosecution. The same shall apply if such an offense is committed against a member of the armed forces or a member of the police force during the performance of his or her duties.

Action against one of the aforementioned persons in relation to one of their professional activities in a printed publication, on the radio or television, or in any other manner that makes it accessible to a broad public. The injured party is entitled to join the prosecution at any time. If the public prosecutor does not prosecute such a criminal offense or withdraws from prosecution, the injured party is entitled to bring charges themselves. In this case, the time limit for bringing charges begins as soon as the injured party has been notified by the public prosecutor that no prosecution or further prosecution will take place.

3) If one of the acts punishable under §§ 111, 112, 113, and 115 is directed against the honor of a deceased or missing person, his or her spouse, registered partner, direct relatives, and siblings are entitled to demand prosecution.

5. Section

Violations of privacy and certain professional secrets

Section

Violation of the secrecy of correspondence and suppression of letters

1) Anyone who opens a sealed letter or other document not intended for their attention shall be punished with imprisonment of up to three months or a fine of up to 180 daily rates.

2) The same penalty shall apply to anyone who, in order to obtain knowledge of the contents of a document not intended for their attention, opens

1. opens a sealed container in which such a document is located, or

2. uses technical means to achieve their purpose without opening the seal of the document or container (para. 1).

3) Anyone who misappropriates or otherwise suppresses a letter or other document (para. 1) before it is read by the recipient shall also be punished.

4) The offender shall only be prosecuted at the request of the injured party. However, if the offense is committed by a public official in the exercise of his or her duties or by taking advantage of the opportunity afforded by his or her official position, the public prosecutor shall prosecute the offender with the authorization of the injured party.

§ 118a

Unlawful access to a computer system

1) Anyone who gains access to a computer system, or part thereof, over which they have no or not sole control, by overcoming a specific security measure in the computer system with the intention of

1. to obtain knowledge of personal data for themselves or another unauthorized person, the knowledge of which violates the confidentiality interests of the person concerned that are worthy of protection, or

2. to cause harm to another person by using data stored in the system that is not intended for them, which they have obtained, or by using the computer system, shall be punished with imprisonment of up to six months or a fine of up to 360 daily rates.

2) Anyone who commits the offense in relation to a computer system that is an essential part of critical infrastructure (Section 74 (1) No. 10) shall be punished with imprisonment of up to two years.

3) The offender may only be prosecuted with the authorization of the injured party.

4) Anyone who commits the offense under paragraph 1 as part of a criminal organization shall be punished with imprisonment of up to two years; anyone who commits the offense under paragraph 2 as part of a criminal organization shall be punished with imprisonment of up to three years.

§ 119

Violation of the secrecy of communications

1) Anyone who, with the intention of obtaining knowledge for themselves or another unauthorized person of a message transmitted via an electronic communications network and not intended for them, attaches a device to a communications or data processing system or otherwise makes it ready for reception shall be punished with imprisonment for up to six months or a fine of up to 360 daily rates.

2) Anyone who uses a device that has been attached to a communications or data processing system or otherwise made ready for reception for the purpose described in paragraph 1 shall also be punished.

3) The offender may only be prosecuted with the authorization of the injured party.

§ 119a

Misuse of data interception

1) Anyone who, with the intention of obtaining knowledge for themselves or another unauthorized person of data transmitted via a computer system and not intended for them

obtains and, by using the data himself, makes it accessible to another person for whom it is not intended, or publishes it, in order to gain a financial advantage for himself or another person or to cause a disadvantage to another person, a device that has been attached to the computer system or otherwise made ready for reception, or intercepts the electromagnetic radiation of a computer system, shall be punished with imprisonment of up to six months or a fine of up to 360 daily rates, unless the act is punishable under § 119.

2) The offender may only be prosecuted with the authorization of the injured party.

§ 120

Misuse of audio recording or listening devices

1) Anyone who uses a sound recording device or listening device to obtain knowledge for themselves or another unauthorized person of a statement made by another person that is not public and not intended for their knowledge shall be punished with imprisonment for up to one year or a fine of up to 720 daily rates.

2) Anyone who, without the consent of the speaker, makes the audio recording of a non-public statement by another person accessible to a third party for whom it is not intended, or who publishes such a recording, shall also be punished. 2a)

Anyone who records a message transmitted via an electronic communications network and not intended for them with the intention of obtaining knowledge for themselves or another unauthorized person, makes it accessible to another unauthorized person, or publishes it shall be punished with imprisonment of up to three months or a fine of up to 180 daily rates if the act is not punishable under the above provisions or another provision carrying a more severe penalty, shall be punished with imprisonment of up to three months or a fine of up to 180 daily rates.

3) The perpetrator shall only be prosecuted at the request of the injured party.

§ 121

Breach of professional secrecy

1) Anyone who discloses or exploits a secret that has been entrusted to them

1. as a doctor or in the exercise of another health profession (Art. 6 of the Health Act),

2. as a notary, lawyer, legal agent, trustee, auditor, or patent attorney,

3. as a youth, marriage, and family counselor, or as a person working in social welfare,
4. who, in the course of their professional duties, has been entrusted with or given access to information relating to the administration of a hospital or to accident, health, or social insurance for employees, and whose disclosure or use is likely to infringe a legitimate interest of the person who has used their services or entrusted them with such information. accident, life, or social insurance, and whose disclosure or use is likely to harm a legitimate interest of the person who has used his or her services or for whom they have been used, shall be punished with imprisonment of up to six months or a fine of up to 360 daily rates.
- 2) Anyone who commits the offense in order to gain a financial advantage for themselves or another person or to cause a disadvantage to another person shall be punished with imprisonment for up to one year or a fine of up to 720 daily rates.
- 3) Similarly, an expert appointed by a court or other authority for a specific proceeding who discloses or exploits a secret that has been entrusted to him or made available to him exclusively by virtue of his expert activity and whose disclosure or exploitation is likely to harm a legitimate interest of the person who has used his services or for whom they have been used shall be punished. is likely to harm a legitimate interest of the person who has made use of his services or for whom they have been used.
- 4) Persons who perform one of the activities referred to in paragraphs 1 and 3 are equivalent to their assistants, even if they are not professionally active, as well as persons who participate in the activity for training purposes.
- 5) The offender shall not be punished if the disclosure or use is justified by a public or legitimate private interest in terms of content and form.
- 6) The offender shall only be prosecuted at the request of the person whose interest in confidentiality has been violated (paragraphs 1 and 3).

§ 122

Violation of a business or trade secret

- 1) Anyone who discloses or exploits a trade or business secret (para. 3) that has been entrusted to them or made available to them in the course of their work in carrying out supervision, inspection, or investigation prescribed by law or official order shall be punished with imprisonment for up to one year or a fine of up to 720 daily rates.

2) Anyone who commits the offense in order to gain a financial advantage for themselves or another person or to cause a disadvantage to another person shall be punished with imprisonment of up to two years.

3) Paragraph 1 shall only apply to a business or trade secret which the offender is required to keep confidential by law and whose disclosure or use is likely to harm a legitimate interest of the person subject to supervision, inspection or investigation.

4) The perpetrator shall not be punished if the disclosure or exploitation is justified in terms of content and form by a public or legitimate private interest.

5) The perpetrator shall only be prosecuted at the request of the person whose interest in confidentiality has been violated (paragraph 3).

§ 122a

Repealed

§ 123

Scooping of a business or trade secret

1) Anyone who obtains a trade or business secret with the intention of exploiting it, passing it on to another person for exploitation, or disclosing it to the public shall be punished with imprisonment of up to two years.

2) The offender shall only be prosecuted at the request of the injured party.

§ 124

Discovery of a trade or business secret for the benefit of a foreign country

1) Anyone who spies on a trade or business secret with the intention of exploiting, using, or otherwise evaluating it abroad shall be punished with imprisonment of up to three years.

2) Anyone who discloses a trade or business secret that they are obliged to keep confidential for exploitation, use, or other evaluation abroad shall be punished in the same way.

6. Section

Criminal offenses against foreign property

§ 125

Damage to property

Anyone who destroys, damages, defaces, or renders unusable another person's property shall be punished with imprisonment for up to six months or a fine of up to 360 daily rates.

§ 126

Serious damage to property

1) Anyone who commits damage to property

1. to an object dedicated to worship or veneration by a church or religious society existing in Germany,

2. to a grave, other burial site, tomb, or memorial located in a cemetery or a place of religious worship,

3. to an ownerless natural object, to an antiquity of considerable scientific value or to a protected cultural asset within the meaning of the Cultural Assets Act,

4. at an object of generally recognized scientific, folkloric, artistic, or historical value that is located in a generally accessible collection or otherwise at such a location or in a public building,

5. on an essential component of critical infrastructure (Section 74 (1) No. 10) or

6. Repealed

7. by which the perpetrator causes damage to the object exceeding 7,500 Swiss francs.

2) Anyone who causes damage to the object exceeding CHF 300,000 shall be punished with imprisonment from six months to five years.

§ 126a

Data corruption

1) Anyone who causes damage to another person by altering, deleting, or otherwise rendering unusable or suppressing data that has been processed, transmitted, or provided by automated means and over which they have no or not sole control shall be punished with imprisonment of up to six months or a fine of up to 360 daily rates.

2) Anyone who causes damage exceeding 7,500 Swiss francs by this act shall be punished with imprisonment for up to two years.

3) Anyone who, by means of the act, impairs many computer systems using a computer program, a computer password, access codes, or comparable data that enable access to a computer system or part thereof, provided that these means have been created or adapted for this purpose in view of their special nature, shall be punished with imprisonment of up to three years.

4) Anyone who

1. causes damage exceeding CHF 300,000 through the act,

2. the act impairs essential components of critical infrastructure (§ 74 (1) no. 10), or

3. the act is committed as a member of a criminal organization.

§ 126b

Disruption of the functionality of a computer system

1) Anyone who seriously disrupts the functioning of a computer system over which they have no or not sole control by entering or transmitting data shall be punished with imprisonment of up to six months or a fine of up to 360 daily rates, unless the act is punishable under § 126a.

2) Anyone who causes a prolonged disruption to the functioning of a computer system by committing this act shall be punished with imprisonment for up to two years.

3) Anyone who causes serious disruption to many computer systems by using a computer program, a computer password, an access code, or comparable data that enables access to a computer system or part thereof, provided that these means were clearly created or adapted for this purpose due to their specific nature, shall be punished with imprisonment of up to three years.

4) Anyone who

1. causes damage exceeding CHF 300,000 through the act,

2. commits the act against a computer system that is an essential part of critical infrastructure (§ 74 (1) (10)), or

3. commits the act as a member of a criminal organization.

§ 126c

Misuse of computer programs or access data

1) Anyone

1. a computer program which, according to its specific nature, is clearly intended for the purpose of committing unlawful access to a computer system (Section 118a), a violation of the secrecy of communications (Section 119), the unlawful interception of data (§ 119a), data corruption (§ 126a), disruption of the functionality of a computer system (§ 126b) or fraudulent data processing abuse (§ 148a), or a comparable device or

2. a computer password, access code, or comparable data that enables access to a computer system or part thereof

with the intent of using it to commit one of the criminal acts mentioned in section 1, shall be punished with imprisonment of up to six months or a fine of up to 360 daily rates.

2) According to paragraph 1, anyone who voluntarily prevents the computer program referred to in paragraph 1 or a comparable device or password, access code, or comparable data from being used in the manner described in Sections 118a, 119, 119a, 126a, 126b, or 148a shall not be punished. If there is no danger of such use or if it has been eliminated without the perpetrator's involvement, the perpetrator shall not be punished if he voluntarily and seriously endeavors to eliminate it in ignorance of this fact.

§ 127

Theft

1) Anyone who takes another person's movable property with the intention of unlawfully enriching themselves or a third party by appropriating it shall be punished with imprisonment of up to six months or a fine of up to 360 daily rates.

2) Repealed

§ 128

Aggravated theft

1) Anyone who commits theft shall be punished with imprisonment for up to three years

1. during a conflagration, a flood, or a general emergency or an emergency affecting the victim, or by exploiting a condition of the victim that renders him or her helpless,

2. in a room used for religious worship or on an object dedicated to worship or veneration by a church or religious society existing in the country,
 3. an item of generally recognized scientific, folkloric, artistic, or historical value that is located in a publicly accessible collection or otherwise in such a place or in a public building,
 4. an essential part of critical infrastructure (Section 74 (1) No. 10) or
 5. an item whose value exceeds 7,500 Swiss francs.
- 2) Anyone who steals an item whose value exceeds CHF 300,000 shall be punished with imprisonment of between one and ten years.

§ 129

Theft by breaking and entering or with weapons

Anyone who commits theft shall be punished with imprisonment for six months to five years.

1. by breaking into a building, means of transport, dwelling, or other enclosed space or storage area, entering it, using a counterfeit or unlawfully obtained key, another tool not intended for proper opening, or an unlawfully obtained access code,
2. by breaking open a container or opening it using one of the means mentioned in section 1,
3. by breaking open a locking device or opening it with one of the means mentioned in section 1,
4. by electronically disabling an access barrier, or
5. where he or, with his knowledge, another person involved (§ 12) carries a weapon or other means to overcome or prevent resistance from a person.

§ 130

Commercial theft and theft within the framework of a criminal organization

Anyone who commits theft commercially or as a member of a criminal organization with the participation (§ 12) of another member of that organization shall be punished with imprisonment from six months to five years. Anyone who commits

aggravated theft (§ 128) or theft by burglary or with weapons (§ 129) with the intention of obtaining a continuous income by repeatedly committing the offense shall be punished with imprisonment from one to ten years.

§ 131

Robbery

Anyone who, when caught in the act of theft, uses violence against a person or threatens them with imminent danger to life or limb (§ 89) in order to obtain the stolen goods for themselves or a third party shall be punished with imprisonment from six months to five years; however, if the use of force results in bodily injury with serious permanent consequences (§ 85) or the death of a person, the punishment shall be imprisonment from five to fifteen years.

§ 131a

Data theft

Anyone who, with the intention of unlawfully enriching themselves or a third party, obtains data processed by automated means over which they have no or not sole control shall be punished with imprisonment of up to three years or a fine of up to 360 daily rates. Both penalties may also be imposed concurrently.

§ 132

Withdrawal of energy

1) Anyone who, with the intention of unlawfully enriching themselves or a third party, withdraws energy from a facility used for the generation, conversion, supply, or storage of energy shall be punished with imprisonment of up to six months or a fine of up to 360 daily rates.

2) Anyone who diverts energy worth more than CHF 7,500 shall be punished with imprisonment of up to three years; anyone who diverts energy worth more than CHF 300,000 shall be punished with imprisonment of between one and ten years.

§ 133

Embezzlement

1) Anyone who appropriates property entrusted to them for themselves or a third party with the intention of unlawfully enriching themselves or the third party shall be punished with imprisonment of up to six months or a fine of up to 360 daily rates.

2) Anyone who embezzles property worth more than 7,500 Swiss francs shall be punished with imprisonment for up to three years; anyone who embezzles property worth more than 300,000 Swiss francs shall be punished with imprisonment for one to ten years.

§ 134

Embezzlement

1) Anyone who appropriates for themselves or a third party property belonging to another person that they have found or that has come into their possession by mistake or otherwise without their involvement, with the intention of unlawfully enriching themselves or the third party, shall be punished with imprisonment of up to six months or a fine of up to 360 daily rates.

2) Anyone who embezzles property belonging to another person that they have come into possession of without the intention of appropriating it shall be punished in the same way.

3) Anyone who embezzles another person's property with a value exceeding 7,500 Swiss francs shall be punished with imprisonment of up to two years, and anyone who embezzles another person's property with a value exceeding 300,000 Swiss francs shall be punished with imprisonment of six months to five years.

§ 135

Permanent deprivation of property

1) Anyone who causes damage to another person by permanently depriving them of their custody of another person's movable property without appropriating the property for themselves or a third party shall be punished with imprisonment of up to six months or a fine of up to 360 daily rates.

2) Anyone who commits the offense against any of the items listed in § 126 (1) nos. 1 to 5 or against an item whose value exceeds 7,500 Swiss francs shall be punished with imprisonment of up to two years; anyone who commits the offense against an item whose value exceeds 300,000 Swiss francs shall be punished with imprisonment of six months to five years.

Section 136

Unauthorized use of vehicles

1) Anyone who uses a vehicle designed to be powered by mechanical force without the consent of the authorized person shall be punished with imprisonment of up to six months or a fine of up to 360 daily rates.

2) Anyone who commits the offense by gaining control of the vehicle through one of the acts described in §§ 129 to 131 shall be punished with imprisonment of up to two years.

3) The offender shall be punished with imprisonment for up to two years if the damage caused by the act to the vehicle, the load, or through the consumption of operating resources exceeds a total of 7,500 Swiss francs; however, if the damage exceeds 300,000 Swiss francs, the offender shall be punished with imprisonment for up to three years.

4) The offender shall only be punished at the request of the person whose rights have been violated if the right to dispose of the vehicle belongs to his or her spouse, registered partner, a direct relative, his brother or sister, or another relative, provided that he lives in the same household as that person, or if the vehicle was entrusted to him by his employer, who is entitled to do so. A merely temporary right of use shall not be taken into account.

§ 137

Interference with foreign hunting or fishing rights

Anyone who, in violation of another person's hunting or fishing rights, hunts game, fishes, kills or injures game or fish, appropriates them for themselves or a third party, or otherwise destroys, damages, or appropriates for themselves or a third party any object subject to another person's hunting or fishing rights shall be punished with imprisonment of up to six months or a fine of up to 360 daily rates.

§ 138

Serious interference with another person's hunting or fishing rights

Anyone who commits the offense

1. wild game, fish, or other items subject to foreign hunting or fishing laws with a value exceeding 7,500 Swiss francs,
2. during the closed season or using iron, poisoned bait, an electric trapping device, explosives, in a manner that endangers the game or fish population, or on game using snares,
3. in the company of a participant (§ 12) and either carries a firearm themselves or knows that the participant is carrying a firearm, or
4. commits the offense commercially.

§ 139

Prerequisite for prosecution

If the offender commits the infringement of another person's hunting rights in a place where he is permitted to hunt, or the infringement of another person's fishing rights in a place where he is permitted to fish to a limited extent, he may only be prosecuted for the offenses punishable under §§ 137 and 138 with the authorization of the person entitled to hunt or fish.

§ 140

Use of force by a poacher

Anyone who, when caught in the act of interfering with another person's hunting or fishing rights, uses violence against a person or threatens them with imminent danger to life or limb (§ 89) in order to obtain the prey for himself or a third party shall be punished with imprisonment from six months to five years; however, if the use of force results in bodily injury with serious permanent consequences (§ 85) or the death of a person, the punishment shall be imprisonment from five to fifteen years.

§ 141

Theft

1) Anyone who, out of necessity, recklessness, or to satisfy a desire, takes something of little value from another person or appropriates it for themselves or a third party shall be guilty of theft, energy theft, embezzlement, embezzlement, permanent deprivation of property, or interference with another person's hunting or fishing rights, and it does not constitute one of the cases referred to in §§ 129, 131, 138 (2) and (3), and 140, shall be punished with a fine of up to 60 daily rates.

2) The offender may only be prosecuted with the consent of the injured party.

3) Anyone who commits the offense to the detriment of their spouse, registered partner, direct relative, brother, or sister, or to the detriment of another relative, provided that they live in the same household, shall only be punished at the request of the person whose rights have been violated.

§ 142

Robbery

1) Anyone who, by using force against a person or by threatening them with immediate danger to life or limb (§ 89), takes or compels another person to hand over movable property with the intention of unlawfully enriching themselves or a third party by appropriating it shall be punished with imprisonment of between one and ten years.

2) Anyone who commits robbery without the use of significant force against an object of minor value shall, if the act has only had insignificant consequences and does not constitute aggravated robbery (§ 143), be punished with imprisonment from six months to five years.

§ 143

Aggravated robbery

1) Anyone who commits robbery as a member of a criminal organization with the participation (§ 12) of another member of that organization, or anyone who commits robbery using a weapon, shall be punished with imprisonment of one to fifteen years.

2) If the violence used causes serious injury to someone (Section 84 (1)), the perpetrator shall be punished with imprisonment of five to fifteen years. However, if the use of force results in bodily injury with serious permanent consequences (§ 85 (1)), the perpetrator shall be punished with imprisonment of ten to twenty years, but if it results in the death of a person, with imprisonment of ten to twenty years or life imprisonment.

§ 144

Extortion

1) Anyone who uses violence or dangerous threats to compel someone to perform, tolerate, or refrain from performing an act that damages their property or that of another person shall be punished with imprisonment of six months to five years if they acted with the intent to unlawfully enrich themselves or a third party through the behavior of the person compelled.

2) The act is not unlawful if the use of force or threats as a means to achieve the desired end is not contrary to public morality.

§ 145

Serious extortion

1) Anyone who commits extortion by

1. threatens death, serious mutilation or conspicuous disfigurement, kidnapping, arson, endangerment through nuclear energy, ionizing radiation or explosives, or the destruction of economic existence or social position, or

2. causes the victim or another person against whom the violence or dangerous threat is directed to suffer prolonged torment by these means,

shall be punished with imprisonment of one to ten years.

2) Anyone who commits extortion

1. for commercial purposes or

2. continues to commit extortion against the same person over a longer period of time.

3) The perpetrator shall also be punished if the act results in suicide or attempted suicide by the coerced person or another person against whom the violence or dangerous threat is directed.

§ 146

Fraud

Anyone who, with the intention of unlawfully enriching themselves or a third party through the behavior of the deceived person, induces someone by deception about facts to perform, tolerate, or omit an act that damages their or another person's property shall be punished with imprisonment of up to six months or a fine of up to 360 daily rates.

§ 147

Serious fraud

1) Anyone who commits fraud by deceiving

1. uses a false or forged document, a false, forged, or altered non-cash means of payment, data obtained by spying on a non-cash means of payment, false or forged data, other such evidence, or an inaccurate measuring device, or

2. Repealed

3. falsely impersonates a public official,

shall be punished with imprisonment of up to three years.

1a) Anyone who commits fraud causing more than minor damage by deceiving others about the use of a prohibited substance or method listed in the appendix to the Anti-Doping Convention, LGBI. 2000 No. 111, for the purpose of doping in sport shall also be punished.

2) Anyone who commits fraud causing damage exceeding CHF 7,500 shall also be punished.

3) Anyone who causes damage exceeding CHF 300,000 through the act shall be punished with imprisonment of between one and ten years.

§ 148

Commercial fraud

Anyone who commits fraud on a commercial basis shall be punished with imprisonment of up to three years, but anyone who commits serious fraud under § 147 (1) to (2) on a commercial basis shall be punished with imprisonment of six months to five years.

§ 148a

Fraudulent misuse of data processing

1) Anyone who, with the intention of unlawfully enriching themselves or a third party, causes damage to another person's assets by influencing the result of automated data processing through the design of the program, through input, modification, deleting or suppressing data, or otherwise influencing the processing operation, shall be punished with imprisonment of up to six months or a fine of up to 360 daily rates.

2) Anyone who commits the offense commercially or causes damage exceeding 7,500 Swiss francs as a result of the offense shall be punished with imprisonment of up to three years; anyone who causes damage exceeding 300,000 Swiss francs as a result of the offense shall be punished with imprisonment of one to ten years.

§ 149

Obtaining services by deception

1) Anyone who obtains transportation by a public transport facility or admission to a performance, exhibition, or other event or facility by deceiving others about facts without paying the prescribed fare shall be punished with a fine of up to 60 daily rates if the fare is only minor.

2) Anyone who obtains for themselves or another person a service from a vending machine that does not consist of goods without paying the fee for it shall be punished with imprisonment of up to six months or a fine of up to 360 daily rates. The same penalty shall apply to anyone who obtains a service from a data processing system for themselves or a third party without the consent of the authorized party and without paying an appropriate fee.

3) If, in the case of paragraph 2, the remuneration is only minor, the offender shall be punished with a fine of up to 360 daily rates.

4) The offender may only be prosecuted with the consent of the injured party.

§ 150

Fraud committed out of necessity

1) Anyone who commits fraud causing only minor damage out of necessity shall be punished with a fine of up to 60 daily rates, unless it is one of the cases referred to in Sections 147 and 148.

2) The offender may only be prosecuted with the authorization of the injured party.

3) Anyone who commits the offense to the detriment of their spouse, registered partner, direct relative, brother, or sister, or to the detriment of another relative with whom they live in the same household, shall only be punished at the request of the person whose rights have been violated.

§ 151

Insurance fraud

1) Anyone who, with the intention of obtaining insurance benefits for themselves or another person,

1. destroys, damages, or removes an item insured against destruction, damage, loss, or theft, or

2. injures oneself or another person physically or causes harm to their health, or allows oneself or another person to be injured or harmed,

shall, if the act is not punishable under §§ 146, 147, and 148, be punished with imprisonment for up to six months or a fine of up to 360 daily rates.

2) According to paragraph 1, anyone who voluntarily refrains from further pursuing their plan before the insurance benefit has been paid and before an authority (paragraph 3) has learned of their fault shall not be punished.

3) An authority within the meaning of paragraph 2 is to be understood as an authority appointed to prosecute in this capacity. Public security agencies appointed to prosecute are equivalent to this authority in this capacity.

§ 152

Credit damage

1) Anyone who asserts incorrect facts and thereby damages or jeopardizes the credit, acquisition, or professional advancement of another person shall be punished with imprisonment of up to six months or a fine of up to 360 daily rates.

2) The offender shall only be prosecuted at the request of the injured party.

§ 153

Breach of trust

1) Anyone who knowingly abuses their authority to dispose of another person's assets or to bind another person and thereby damages the other person's assets shall be punished with imprisonment of up to six months or a fine of up to 360 daily rates.

2) A person abuses their authority if they unreasonably violate rules that serve to protect the assets of the beneficial owner.

3) Anyone who causes damage exceeding CHF 7,500 through such an act shall be punished with imprisonment of up to three years; anyone who causes damage exceeding CHF 300,000 shall be punished with imprisonment of one to ten years.

§ 153a

Misuse of subsidies

1) Anyone who misuses a subsidy granted to them for purposes other than those for which it was granted shall be punished with imprisonment of up to six months or a fine of up to 360 daily rates.

2) According to paragraph 1, anyone who commits the offense as a senior executive (§ 74 (1)

3) of a legal entity or a company without legal personality to which the subsidy was granted, or without the consent of the person to whom the subsidy was granted, but as their senior employee (§ 74 para. 3).

3) Anyone who commits the offense in relation to an amount exceeding CHF 7,500 shall be punished with imprisonment of up to two years.

4) Anyone who commits the offense in relation to an amount exceeding CHF 300,000 shall be punished with imprisonment from six months to five years.

5) A subsidy is a grant awarded for the pursuit of public interests from public budgets, including the general budget of the European Communities and budgets managed by or on behalf of the European Communities, for which no adequate monetary consideration is provided; grants of a social benefit nature are excluded.

§ 154

Usury

1) Anyone who exploits the distress, recklessness, inexperience, or lack of judgment of another person by promising or granting themselves or a third party a financial advantage in return for a service that serves to satisfy a financial need, in particular for the granting or brokering of a loan or for the deferral of a

monetary claim or the mediation of such a deferral, which is grossly disproportionate to the value of their own service, shall be punished with imprisonment of up to three years.

2) Anyone who exploits such a claim that has been transferred to them in an usurious manner shall also be punished.

3) Anyone who engages in usury on a commercial basis shall be punished with imprisonment of six months to five years.

4) Repealed

§ 155

Usury

1) Anyone who, except in the cases specified in § 154, commercially exploits the distress, recklessness, inexperience, or lack of judgment of another person by promising or granting themselves or a third party a financial advantage for goods or other services that is grossly disproportionate to the value of their own services shall be punished with imprisonment of up to three years, or, if the act has caused serious harm to a large number of people, with imprisonment of six months to five years.

2) Anyone who commercially exploits such a claim that has been transferred to them shall be punished in the same way.

3) Repealed

§ 156

Fraudulent bankruptcy

1) Anyone who conceals, removes, disposes of, or damages part of their assets, pretends to have or acknowledges a non-existent liability, or otherwise reduces their assets, either genuinely or ostensibly, thereby preventing or reducing the satisfaction of their creditors or at least one of them, shall be punished with imprisonment from six months to five years.

2) Anyone who causes damage exceeding CHF 300,000 through such an act shall be punished with imprisonment of between one and ten years.

§ 157

Damage to third-party creditors

Anyone who, without the consent of the debtor, conceals, removes, disposes of, or damages part of the debtor's assets

damages any part of the debtor's assets without the debtor's consent, or asserts a non-existent right against the debtor's assets, thereby preventing or reducing the satisfaction of the creditors or at least one of them.

§ 158

Favoritism toward a creditor

Anyone who, after becoming insolvent, favors one creditor and thereby disadvantages the other creditors or at least one of them shall be punished with imprisonment for up to two years.

§ 159

Grossly negligent impairment of creditors' interests

1) Anyone who causes their own insolvency through gross negligence (§ 6 (3)) by acting in a manner likely to cause credit risk (§ 6 (5)) shall be punished with imprisonment of up to one year or a fine of up to 720 daily rates.

2) Anyone who, with knowledge or negligent ignorance of their insolvency, grossly negligently (§ 6 (3)) prevents or reduces the satisfaction of at least one of their creditors by acting in a manner liable to incur credit risk (para. 5) shall also be punished.

3) Anyone who, through gross negligence (Section 6 (3)), impairs their economic situation through credit-worthy actions (paragraph 5) in such a way that insolvency would have occurred if one or more local authorities had not, without being obliged to do so, provided direct or indirect financial assistance, taken comparable measures, or arranged for financial assistance or comparable measures to be provided by others.

4) Anyone who

1. in the case of paragraph 1, causes a loss of satisfaction for its creditors or at least one of them exceeding CHF 1,200,000,

2. in the case of paragraph 2, causes an additional loss of satisfaction to his creditors or at least one of them exceeding CHF 1,200,000, or

3. damages the economic existence of many people through one of the acts punishable under paragraphs 1 or 2, or would have damaged it in the case of paragraph 3.

5) A person acts in a manner likely to cause bankruptcy if, contrary to the principles of sound business management, they

1. destroys, damages, renders unusable, squanders, or gives away a significant portion of their assets,

2. spends excessively high amounts through an unusually risky business transaction that is not part of his normal economic activity, through gambling or betting,
3. incurs excessive expenses that are in striking contrast to their financial circumstances or economic capacity,
4. fails to keep business books or records, or keeps them in such a way that it is considerably more difficult to obtain a timely overview of his true financial position, assets, and income, or fails to take other appropriate and necessary control measures that would provide him with such an overview, or
5. fails to prepare annual financial statements that he is required to prepare, or prepares them in such a manner or so late that it is considerably more difficult to obtain a timely overview of his true financial position and earnings.

§ 160

Irregularities in insolvency proceedings

1) The following shall be punished with imprisonment for up to one year or a fine of up to 720 daily rates:

1. anyone who asserts an unjustified claim or a claim of an unjustified amount or rank in order to gain undue influence in insolvency proceedings;
 2. a creditor who, to the detriment of the other creditors, accepts or allows himself to be promised a financial advantage for himself or a third party for exercising his voting rights in a certain way or for refraining from exercising his voting rights, and also anyone who grants or promises a creditor a financial advantage for this purpose;
 3. a creditor who, to the detriment of the other creditors, accepts or allows himself to be promised a special advantage for himself or a third party in return for agreeing to a restructuring plan in insolvency proceedings without the consent of the other creditors, and also anyone who grants or promises a creditor a special advantage for this purpose.
- 2) Similarly, an insolvency administrator in insolvency proceedings who accepts or allows himself to be promised an undue financial advantage for himself or a third party to the detriment of the creditors shall be punished.

§ 161

Common provisions on the liability of senior executives

1) According to Sections 156, 158, 159, and 162, anyone who commits one of the acts specified therein as a senior employee (Section 74 (3)) of a legal entity or a company without legal personality shall be punished in the same way as a debtor, and according to Section 160, in the same way as a creditor. Similarly, anyone who acts without the consent of the debtor or creditor but as their executive employee (Section 74 (3)) shall be punished in accordance with the aforementioned provisions.

2) According to Section 160 (2), anyone who commits one of the acts specified therein as a senior employee (Section 74 (3)) of a legal entity or a company without legal personality who has been assigned one of the tasks specified therein shall also be punished.

§ 162

Obstruction of enforcement

1) A debtor who conceals, removes, disposes of, or damages part of his assets, pretends or acknowledges a non-existent liability, or otherwise reduces his assets, either actually or ostensibly, and thereby frustrates or impairs the satisfaction of a creditor through enforcement or in pending enforcement proceedings, shall be punished with imprisonment for up to six months or a fine of up to 360 daily rates. shall be punished with imprisonment for up to six months or a fine of up to 360 daily rates.

2) Anyone who causes damage exceeding 7,500 Swiss francs through their actions shall be punished with imprisonment of up to three years.

§ 163

Obstruction of enforcement on behalf of another person

Anyone who, without the consent of the debtor, conceals, removes, disposes of, or damages part of the debtor's assets, or asserts a non-existent right against the debtor's assets, thereby preventing or reducing the satisfaction of a creditor through enforcement or in pending enforcement proceedings, shall also be punished.

§ 164

Receiving stolen goods

1) Anyone who, after the fact, assists the perpetrator of a punishable act against another person's assets in concealing or exploiting an item obtained by the perpetrator through that act shall be punished with imprisonment of up to six months or a fine of up to 360 daily rates.

- 2) Anyone who purchases such an item, otherwise acquires it, or procures it for a third party shall be punished in the same way.
- 3) Anyone who conceals an item worth more than CHF 7,500 shall be punished with imprisonment of up to two years.
- 4) Anyone who conceals an item worth more than CHF 300,000 or who engages in receiving stolen goods on a commercial basis shall be punished with imprisonment of between six months and five years. The receiver shall also be punished if the punishable act by which the item was obtained is punishable by a term of imprisonment of five years or more for a reason other than commercial practice, and the receiver is aware of the circumstances that justify this penalty.
- 5) Anyone who commits an act under paragraph 1 or 2 out of necessity, recklessness, or to satisfy a desire in relation to an item of minor value shall be punished with imprisonment for up to one month or a fine of up to 60 daily rates, provided that the predicate offense is not theft by burglary or with weapons under § 129, robbery under § 131, serious infringement of foreign hunting or fishing rights under § 138(2), robbery under § 142, aggravated robbery under § 143, extortion under § 144, or aggravated extortion under § 145.
- 6) Anyone who commits an offense under paragraph 5 may only be prosecuted with the authorization of the person injured by the predicate offense.
- 7) Anyone who commits an act under paragraph 5 shall not be punished if the predicate offense was committed to the detriment of their spouse, registered partner, direct relative, brother, or sister, or to the detriment of another relative, provided that they live in the same household.

§ 165

Money laundering

- 1) Anyone who acquires assets that originate from an act punishable by more than one year's imprisonment or an offense under §§ 223, 229, 289, 293, or 295, under Articles 83 to 85 of the Foreign Nationals Act, under Article 140 of the Tax Act, or under Articles 88 or 89 of the Value Added Tax Act, or conceals their origin or true nature of these assets, the ownership or other rights to them, the powers of disposal over them, their transfer, or

where they are located, shall be punished with imprisonment of up to three years.

2) Anyone who acquires assets that originate from an act punishable by imprisonment of more than one year, an offense under Sections 223, 229, 289, 293, or 295, under Articles 83 to 85 of the Aliens Act, or under Articles 88 or 89 of the Value Added Tax Act, or who knowingly acquires, takes into custody, whether for the sole purpose of safekeeping, investing or managing such assets, converts, exploits or transfers to a third party assets derived from an offense under Art. 140 of the Tax Act, shall be punished with imprisonment of up to two years.

3) Anyone who acquires or takes custody of assets belonging to a criminal organization (Section 278a) or a terrorist organization (Section 278b) on their behalf or in their interest, whether for the purpose of merely storing, investing, or managing such assets, converting, utilizing, or transferring such assets to a third party, shall be punished with imprisonment of up to three years.

4) Anyone who commits the offense in relation to an amount exceeding 75,000 Swiss francs or as a member of a criminal organization that has committed itself to continued money laundering shall be punished with imprisonment of between one and ten years.

5) An asset is derived from a criminal offense if

1. the perpetrator of the criminal act obtained it through the act or received it for its commission, or if it embodies the value of the asset originally obtained or received, or

2. it was saved by committing an offense under Section 140 of the Tax Act or under Section 88 or 89 of the Value Added Tax Act.

§ 165a

Active repentance

1) No penalty shall be imposed for money laundering on anyone who, voluntarily and before the authority (§ 151 (3)) has learned of their guilt, causes the seizure of significant assets to which the money laundering related by notifying the authority or by other means.

2) If, without any action on the part of the offender, significant assets to which the money laundering relates are seized, the offender shall not be punished if he voluntarily and seriously attempted to seize the assets without being aware of this.

§ 166

Committing the offense within the family circle

1) Anyone who causes damage to property, damage to data, disruption to the functionality of a computer system, theft with the exception of the cases mentioned in §§ 129 No. 5, 131, withdrawal of energy, embezzlement, misappropriation, permanent deprivation of property, interference with foreign hunting or fishing rights with the exception of the cases mentioned in §§ 138 No. 2 and 3, 140, fraud, fraudulent misuse of data processing, breach of trust, receiving stolen goods pursuant to § 164 (1) to (4), counterfeiting of non-cash means of payment, acceptance, transfer or possession of false or counterfeit non-cash means of payment, preparation for the counterfeiting of non-cash means of payment, misappropriation of non-cash means of payment, acceptance, transfer or possession of misappropriated non-cash means of payment, or spying on data relating to non-cash means of payment to the detriment of his or her spouse, registered partner, direct relative, brother or sister, or to the detriment of another relative, provided that he or she lives in the same household as the victim, shall be punished with imprisonment of up to three months or a fine of up to 180 daily rates; however, if the offense would otherwise be punishable by imprisonment of three years or more, the punishment shall be imprisonment of up to six months or a fine of up to 360 daily rates. However, a guardian, curator, or trustee who acts to the detriment of the person for whom he or she has been appointed shall not be favored.

2) Anyone who participates in the act solely for the benefit of another person (§ 12) who is related to the injured party in one of the aforementioned ways shall also be punished.

3) The perpetrator shall only be prosecuted at the request of the injured party.

§ 167

Active repentance

1) Criminal liability for damage to property, data corruption, disruption of the functionality of a computer system, theft, data theft, deprivation of energy, embezzlement, misappropriation, permanent deprivation of property, interference with another person's hunting or fishing rights, theft, fraud, fraudulent misuse of data processing, obtaining services by deception, emergency fraud, breach of trust

breach of trust, abuse of subsidies, usury, harming third-party creditors, favoring a creditor, grossly negligent impairment of creditor interests, obstruction of enforcement, and receiving stolen goods is waived by active repentance.

2) The offender benefits from active repentance if, before the authority (§ 151 (1)

3) learned of his guilt, albeit at the insistence of the injured party, but without being compelled to do so,

1. compensates for all damage resulting from his act or

2. contractually undertakes to compensate the injured party for such damage within a certain period of time. In the latter case, criminal liability is reinstated if the perpetrator fails to fulfill his obligation.

3) The perpetrator shall also not be punished if he compensates the authorities for the entire damage resulting from his act by paying them the amount in question in the course of a voluntary disclosure in which he admits his guilt to the authorities (§ 151 (3)).

4) The perpetrator who has made a serious effort to compensate for the damage shall also not be punished if a third party on his behalf or another person involved in the act compensates for the entire damage resulting from the act under the conditions specified in paragraph 2.

§ 168

Repealed

Section 168a

Chain or pyramid schemes

1) Anyone who initiates or organizes a system of expected winnings in which participants are promised a financial advantage in return for a stake, on condition that further participants are recruited to this or a related system under the same conditions, and in which the attainment of the financial advantage depends wholly or partly on the behavior of further participants in accordance with the conditions (chain or pyramid scheme),

1. initiates or organizes

2. by means of meetings, brochures, or in any other manner suitable for recruiting many participants, or

3. otherwise promotes the dissemination of such a system on a commercial basis, shall be punished with imprisonment of up to six months or a fine of up to 360 daily rates, unless the system is organized solely for charitable purposes or requires only small contributions.

2) Anyone who has caused serious harm to a large number of people through their actions shall be punished with imprisonment of up to three years.

7. Section

Criminal acts dangerous to the public

§ 169

Arson

1) Anyone who causes a conflagration on another person's property without the owner's consent shall be punished with imprisonment of between one and ten years.

2) The same penalty shall apply to anyone who causes a conflagration on their own property or on the property of another with the latter's consent and thereby causes a danger to the life or limb (§ 89) of the other person or a third party or to the property of a third party to a significant extent.

3) If the act results in the death of one person or serious bodily injury (§ 84 (1)) to a large number of people, or if the act has caused many people to be in distress, the perpetrator shall be punished with imprisonment of five to fifteen years, but if it has resulted in the death of a large number of people, with imprisonment of ten to twenty years.

§ 170

Negligent causing of a conflagration

1) Anyone who negligently commits one of the acts punishable under § 169 shall be punished with imprisonment for up to one year or a fine of up to 720 daily rates.

2) If the act results in the death of one person or serious bodily injury (§ 84 (1)) to a large number of people, or if the act has caused distress to many people, the perpetrator shall be punished with imprisonment of up to three years, but if it has resulted in the death of a large number of people, the punishment shall be imprisonment of six months to five years.

§ 171

Intentional endangerment through nuclear energy or ionizing radiation

1) Anyone who causes a danger to the life or limb (§ 89) of another person or to another person's property on a large scale through the release of nuclear energy or otherwise through ionizing radiation shall be punished with imprisonment of one to ten years.

2) If the act has one of the consequences specified in Section 169(3), the penalties specified therein shall be imposed.

Section 172

Negligent endangerment through nuclear energy or ionizing radiation

1) Anyone who negligently commits the act punishable under Section 171 shall be punished with imprisonment for up to one year or a fine of up to 720 daily rates.

2) If the act has one of the consequences specified in Section 170 (2), the penalties specified therein shall be imposed.

Section 173

Intentional endangerment through explosives

1) Anyone who detonates an explosive device and thereby causes a danger to the life or limb (§ 89) of another person or to another person's property on a large scale shall be punished with imprisonment of between one and ten years.

2) If the act has one of the consequences specified in Section 169(3), the penalties specified therein shall be imposed.

Section 174

Negligent endangerment through explosives

1) Anyone who negligently commits the act punishable under § 173 shall be punished with imprisonment for up to one year or a fine of up to 720 daily rates.

2) If the act has one of the consequences specified in Section 170 (2), the penalties specified therein shall be imposed.

Section 175

Preparation of a crime using nuclear energy, ionizing radiation, or explosives

1) Anyone who, with the intention of committing an offense under Section 171 or § 173 Anyone who, with the intent to commit a punishable act, even if not yet specified, manufactures, acquires, or possesses nuclear fuel, radioactive material, explosives, components of explosives, or devices necessary for the manufacture or use of such materials, or transfers such materials to another person, knowing (§ 5 (3)) that they are acquiring it in preparation for one of the aforementioned punishable acts, shall be punished with imprisonment of six months to five years.

2) The offender shall not be punished if he voluntarily, before the authorities (§ 151 (1))

3) has learned of his guilt, hands over the object to the authorities, enables them to obtain possession of the object, or otherwise eliminates the danger that the object will be used to commit an act punishable under § 171 or § 173.

Section 176

Intentional endangerment of the public

1) Anyone who, other than by committing an act punishable under §§ 169, 171, and 173, causes danger to the life or limb (§ 89) of a large number of people or to the property of others on a large scale shall be punished with imprisonment of between one and ten years.

2) If the act has one of the consequences specified in Section 169(3), the penalties specified therein shall be imposed.

Section 177

Negligent endangerment of public safety

1) Anyone who, other than through one of the acts punishable under Sections 170, 172, and 174, negligently causes a danger to the life or limb (Section 89) of a large number of people or to the property of others on a large scale shall be punished with imprisonment for up to one year.

2) If the act has one of the consequences specified in § 170 (2), the penalties specified therein shall be imposed.

Section 177a

Manufacture and distribution of weapons of mass destruction

1) Anyone who manufactures, processes, or develops for the purpose of manufacturing nuclear, radiological, biological, or chemical weapons intended and suitable for mass destruction

1. for the purpose of mass destruction,

2. imports into the country, exports from the country, or transports through the country, or

3. acquires, possesses, or transfers or procures them for another person shall be punished with imprisonment of one to ten years.

2) If the offender knows that the weapons are to be transported to an area where war or armed conflict has broken out or is imminent, he shall be punished with imprisonment of five to fifteen years; if he knows

that the weapons are to be used, they shall be punished with imprisonment of ten to twenty years or with life imprisonment.

§ 177b

Unauthorized handling of nuclear material, radioactive substances, or radiation equipment

1) Anyone who, contrary to a legal provision or an official order, manufactures, processes, uses, possesses, disposes of, transports, imports into the country, exports from the country or transports through the country nuclear material shall be punished with imprisonment of up to three years.

2) Anyone who, contrary to a legal provision or an official order, manufactures, processes, uses, possesses, disposes of, transports, imports into the country, exports from the country, or transports through the country radioactive substances or radiation-emitting devices in such a way that this

1. a danger to the life or serious bodily injury (§ 84 (1)) of another person or otherwise to the health or physical safety of a large number of people,

2. a significant danger to the animal or plant population,

3. a long-term deterioration in the condition of water, soil, or air, or

4. disposal costs exceeding CHF 75,000.

3) Anyone who, contrary to a legal provision or an official order, manufactures, processes, uses, possesses, disposes of, transports, imports into the country, exports from the country, or transports through the country nuclear material or radioactive substances, thereby creating the risk that nuclear material or radioactive substances will become accessible for the manufacture or processing of nuclear or radiological weapons of mass destruction, shall be punished with imprisonment of six months to five years. Anyone who commits any of the acts mentioned in paragraphs 1 or 2 on a commercial basis shall also be punished.

4) If one of the acts mentioned in paragraph 1 or 2 causes the danger referred to in § 171 paragraph 1, causes considerable damage to animal or plant life, or causes a long-term deterioration in the condition of water, soil, or air, the offender shall be punished with imprisonment of one to ten years. If the act has one of the consequences referred to in § 169 (3), the penalties specified therein shall be imposed.

5) The term "nuclear material" refers to source material and special fissile material, as well as equipment, technology, and substances that can be used to generate energy through nuclear fission processes. The term "radioactive substances" refers to substances that contain one or more radionuclides, provided that their activity or concentration cannot be disregarded according to the state of the art in radiation protection. Objects that contain radioactive substances or have such substances on their surface are equivalent to radioactive substances. Radiation equipment refers to devices or systems that, without containing radioactive substances, are capable of emitting ionizing radiation and whose operation is subject to licensing.

§ 177c

Negligent unauthorized handling of nuclear material, radioactive substances, or radiation-emitting devices

1) Anyone who negligently commits one of the acts punishable under § 177b (1), (2) or (3) in contravention of a legal provision or an official order shall be punished with imprisonment for up to one year or a fine of up to 720 daily rates.

2) If the act causes the danger referred to in § 171 (1), significantly damages the animal or plant population, or causes a long-term deterioration in the condition of water, soil, or air, the offender shall be punished with imprisonment for up to two years. If the act has one of the consequences referred to in Section 170 (2), the penalties specified therein shall be imposed.

§ 177d

Intentional unauthorized handling of substances that contribute to the depletion of the ozone layer Anyone who manufactures, imports, exports, places on the market, or uses substances that contribute to the depletion of the ozone layer contrary to a legal provision or an official order shall be punished with imprisonment for up to one year or a fine of up to 720 daily rates.

§ 177e

Grossly negligent unauthorized handling of substances that contribute to the depletion of the ozone layer

Anyone who, through gross negligence (§ 6 (3)), commits one of the acts punishable under § 177d in contravention of a legal provision or an official order shall be punished with imprisonment of up to six months or a fine of up to 360 daily rates.

Section 178

Intentional endangerment of people through communicable diseases

Anyone who commits an act that is likely to cause the spread of a communicable disease among humans shall be punished with imprisonment of up to three years if the disease is of a type that is subject to notification or reporting requirements, even if only to a limited extent.

§ 179

Negligent endangerment of persons through communicable diseases

Anyone who negligently commits the act punishable under § 178 shall be punished with imprisonment for up to one year or a fine of up to 720 daily rates.

Section 180

Intentional damage to the environment

1) Anyone who, contrary to a legal provision or an official order, pollutes or otherwise damages water, soil, or air in such a way that

1. endangers the life or causes serious bodily injury (§ 84 (1)) to another person or otherwise endangers the health or physical safety of a large number of people,
2. a significant danger to the animal or plant population,
3. a long-term deterioration in the condition of water, soil, or air, or
4. clean-up costs or other damage to another person's property, to a protected cultural asset within the meaning of the Cultural Property Act, or to a natural monument, exceeding CHF 75,000,

shall be punished with imprisonment of up to three years.

2) If the act causes significant damage to animal or plant populations, causes long-term deterioration of the condition of water, soil, or air, or causes removal costs or other damage to another person's property, to a protected cultural asset within the meaning of the Cultural Property Act, or to a natural monument exceeding 75,000 Swiss francs, the perpetrator shall be punished with imprisonment of six months to five years

. If the act has one of the consequences specified in § 169 (3), the penalties specified therein shall be imposed.

§ 181

Negligent damage to the environment

1) Anyone who negligently commits one of the acts punishable under § 180 in contravention of a legal provision or an official order shall be punished with imprisonment for up to one year or a fine of up to 720 daily rates.

2) If the act causes significant damage to animal or plant populations, causes long-term deterioration of the condition of water, soil, or air, or causes removal costs or other damage to another person's property, to a protected cultural asset within the meaning of the Cultural Property Act, or to a natural monument, exceeding 75,000 Swiss francs, the offender shall be punished with imprisonment of up to two years. Cultural Property Act or to a natural monument, exceeding CHF 75,000, the perpetrator shall be punished with imprisonment of up to two years. If the act has one of the consequences specified in § 170 (2), the penalties specified therein shall be imposed.

§ 181a

Intentional environmentally hazardous treatment and transport of waste

1) Anyone who, contrary to a legal provision or an official order, collects, transports, recycles, or disposes of waste, or supervises or controls these activities in such a way that

1. a danger to the life or serious bodily injury (§ 84 (1)) of another person or otherwise to the health or physical safety of a large number of people,
2. a significant danger to animal or plant life,
3. a long-term deterioration in the condition of water, soil, or air, or
4. elimination costs exceeding CHF 75,000

shall be punished with imprisonment of up to two years.

2) If the act causes significant damage to animal or plant life, a long-term deterioration in the condition of water, soil, or air, or cleanup costs exceeding 75,000 Swiss francs, the perpetrator shall be punished with imprisonment of up to three years. If the act has one of the consequences specified in § 169 (3), the penalties specified therein shall be imposed.

3) Except in the case referred to in paragraph 2, anyone who transports waste in significant quantities in contravention of Article 2(35) of Regulation (EC) No. 1013/2006 on shipments of waste shall be punished with imprisonment of up to one year or a fine of up to 720 daily rates.

§ 181b

Negligent environmentally hazardous treatment and shipment of waste

1) Anyone who negligently commits one of the acts punishable under § 181a in contravention of a legal provision or an official order shall be punished with imprisonment of up to six months or a fine of up to 360 daily rates.

2) If the act causes significant damage to animal or plant populations, a long-term deterioration in the condition of water, soil, or air, or cleanup costs exceeding 75,000 Swiss francs, the perpetrator shall be punished with imprisonment for up to one year or a fine of up to 720 daily rates. If the act has one of the consequences specified in § 170 (2), the penalties specified therein shall be imposed.

3) Anyone who, except in the cases referred to in paragraphs 1 and 2, acts with gross negligence (§ 6 (3)) and ships waste in quantities that are not insignificant in contravention of Art. 2(35) of Regulation (EC) No. 1013/2006 on shipments of waste in significant quantities shall be punished with imprisonment of up to six months or a fine of up to 360 daily rates.

Section 181c

Intentional operation of facilities that endanger the environment

1) Anyone who, contrary to a legal provision or an official order, operates a plant in which a dangerous activity is carried out in such a way that

1. endangers the life or causes serious bodily injury (§ 84 (1)) to another person or otherwise endangers the health or physical safety of a large number of people,

2. a significant danger to animal or plant life,

3. a long-term deterioration in the condition of water, soil, or air, or

4. remediation costs exceeding CHF 75,000

shall be punished with imprisonment of up to two years.

2) If the act causes significant damage to animal or plant populations, a long-term deterioration in the condition of water, soil, or air, or cleanup costs exceeding 75,000 Swiss francs, the perpetrator shall be punished with imprisonment of up to three years. If the act has

the consequences specified in § 169 (3), the penalties specified therein shall be imposed.

§ 181d

Grossly negligent operation of facilities that endanger the environment

1) Anyone who, through gross negligence (§ 6 (3)), commits an act punishable under § 181c (1) in contravention of a legal provision or an official order shall be punished with imprisonment of up to six months or a fine of up to 360 daily rates.

2) If the act causes considerable damage to animal or plant populations, a long-term deterioration in the condition of water, soil, or air, or cleanup costs exceeding 75,000 Swiss francs, the offender shall be punished with imprisonment for up to one year or a fine of up to 720 daily rates. If the act has one of the consequences specified in § 170 (2), the penalties specified therein shall be imposed.

Section 181e

Intentional damage to animal or plant populations

1) Anyone who kills, possesses, destroys, or removes from the wild specimens of a protected wild animal species in violation of a legal provision or an official order, or who destroys, possesses, or removes from the wild specimens of a protected wild plant species, shall be punished with imprisonment for up to two years, unless the act affects only an insignificant number of specimens and has only an insignificant impact on the conservation status of the species.

2) Protected wild animal and plant species are those listed in Annexes I to III of the Convention on the Conservation of European Wildlife and Natural Habitats, LGBI. 1982 No. 42.

§ 181f

Grossly negligent damage to animal or plant populations

Anyone who, through gross negligence (§ 6 (3)), commits one of the acts punishable under § 181e in contravention of a legal provision or an official order shall be punished with imprisonment for up to one year or a fine of up to 720 daily rates.

§ 181g

Intentional damage to habitats in protected areas

1) Anyone who, contrary to a legal provision or an official order, causes significant damage to a habitat within a protected area shall be punished with imprisonment of up to two years.

2) Habitat within a protected area is any habitat of a species for which an area has been declared a protected area by law or regulation, or any natural habitat or habitat of a species for which an area has been declared a special protected area by law or regulation.

§ 181h

Grossly negligent damage to habitats in protected areas

Anyone who, through gross negligence (§ 6 (3)), commits an act punishable under § 181g in contravention of a legal provision or an official order shall be punished with imprisonment of up to one year or a fine of up to 720 daily rates.

§ 182

Other threats to animal and plant populations

1) Anyone who commits an act that is likely

1. to cause the risk of spreading a disease among animals or
2. the risk of spreading a pathogen or pest dangerous to animal or plant populations,

shall be punished with imprisonment of up to two years.

2) Anyone who, contrary to a legal provision or an official order, causes a significant risk to animal or plant populations in a manner other than that specified in § 180 shall also be punished.

Section 183

Negligent endangerment of animal or plant life

Anyone who negligently commits one of the acts punishable under § 182 shall be punished with imprisonment of up to six months or a fine of up to 360 daily rates.

Section 183a

Error regarding legal provisions and official orders

1) If, in the cases referred to in Sections 180, 181a, 181c, 181e, 181g, and 182, the offender has not familiarized himself with a legal provision or an official order, even though he would have been obliged to do so by virtue of his profession, occupation, or other circumstances, or if he has made a mistake regarding the legal provision or

the official order, he shall nevertheless be punished under these provisions if he otherwise acts intentionally.

2) Paragraph 1 shall apply *mutatis mutandis* in the cases referred to in Sections 181, 181b (1) and (2) and 183 if the offender acts negligently, and in the cases referred to in Sections 181b (3), 181d, 181f, and 181h if he acts with gross negligence (Section 6 (3)).

Section 183b

Active repentance

1) No punishment shall be imposed for any of the acts punishable under Sections 180, 181, and 181a to 183 if the person voluntarily and before the authority (Section 151(3)) has learned of his fault, has eliminated the dangers, contamination, and other damage caused by them, provided that no harm has already been done to humans, animals, or plants.

2) Section 167 (4) shall apply *mutatis mutandis*.

§ 184

Quackery

Anyone who, without having received the training required to practice medicine, carries out an activity that is reserved by law for doctors on a commercial basis in relation to a large number of people shall be punished with imprisonment of up to three months or a fine of up to 180 daily rates.

§ 185

Air piracy

1) Anyone who, taking advantage of the special circumstances of air traffic, uses force or dangerous threats against a person on board an aircraft or against a person who can influence the course of the aircraft or safety on board, takes control of an aircraft or exercises control over it, shall be punished with imprisonment of one to ten years.

2) If the act results in the death of one person or serious bodily injury (§ 84 (1)) to a large number of people, the perpetrator shall be punished with imprisonment of five to fifteen years, but if it has resulted in the death of a large number of people, with imprisonment of ten to twenty years or life imprisonment.

§ 186

Intentional endangerment of aviation safety

1) Anyone who, in such a way that the safety of an aircraft in flight may be endangered,

1. uses force or threatens to use force against a person on board the aircraft,
2. damages the aircraft in service, or

3. Aviation facilities destroyed, damaged, or impaired in their operation
shall be punished with imprisonment of one to ten years, unless the act is
punishable by a more severe penalty under another provision.

2) Similarly, anyone who

1. anyone who destroys or damages an aircraft in service in such a way that it
becomes unfit for flight, or

2. whoever knowingly causes a danger to the safety of an aircraft in flight by
making a false report.

3) If the act results in the death of one person or serious bodily injury (§ 84 (1)) to a
large number of people, the perpetrator shall be punished with imprisonment of
five to fifteen years, but if it has resulted in the death of a large number of people,
with imprisonment of ten to twenty years or life imprisonment.

§ 187

Obstruction of measures to combat a public danger

Anyone who prevents or hinders a measure that is necessary to avert a present
danger to life or limb (§ 89) of a large number of people or to property of others on
a large scale shall be punished with imprisonment of up to three years.

8. Section

Criminal acts against religious peace and the repose of the dead

§ 188

Denigration of religious teachings

Anyone who publicly disparages or mocks a person or thing that is the object of
worship of a church or religious society existing in Germany, or a doctrine, a
legally permissible custom, or a legally permissible institution of such a church or
religious society, under circumstances in which their behavior is likely to cause
justified

offense, shall be punished with imprisonment for up to six months or a fine of up to 360 daily rates.

§ 189

Disruption of religious practice

1) Anyone who, by force or threat of force, prevents or disrupts the legally permissible worship or individual acts of worship of a church or religious society existing in Germany shall be punished with imprisonment for up to two years.

2) Anyone who

1. in a place dedicated to the lawful religious practice of a church or religious society existing in Germany

2. during legally permitted public worship or individual legally permitted public acts of worship by a church or religious society existing in Germany, or

3. with an object directly dedicated to the legally permissible religious service of a church or religious society existing in Germany

in a manner likely to cause justified annoyance shall be punished with imprisonment of up to six months or a fine of up to 360 daily rates.

§ 190

Disturbance of the peace of the dead

1) Anyone who removes a corpse or parts of a corpse or the ashes of a deceased person from a person entitled to dispose of them or removes them from a place of burial or storage, or who mistreats a corpse or desecrates a corpse, the ashes of a deceased person, or a burial, storage, or memorial site, shall be punished with imprisonment of up to six months or a fine of up to 360 daily rates.

2) Anyone who removes jewelry from a burial, storage, or memorial site shall be punished with imprisonment for up to three months or a fine of up to 180 daily rates.

§ 191

Disruption of a funeral ceremony

Anyone who knowingly disturbs a funeral ceremony by making noise that is likely to cause justified annoyance or by other such behavior shall be punished with imprisonment for up to three months or a fine of up to 180 daily rates.

9. Section

Criminal offenses against marriage, family, and registered partnerships

§ 192

Multiple marriages or registered partnerships

Anyone who enters into a new marriage or registered partnership while already married or in a registered partnership, or who enters into a marriage or registered partnership with a married person or a person in a registered partnership, shall be punished with imprisonment of up to three years.

§ 193

Marriage and partnership fraud

1) Anyone who, by deceiving another person about facts that could lead to the annulment of the marriage or registered partnership, induces that person to marry them or enter into a registered partnership shall be punished with imprisonment of up to one year or a fine of up to 720 daily rates.

2) The offender shall only be punished if the marriage or registered partnership has been annulled on the grounds of deception. Furthermore, the offender shall only be prosecuted at the request of the injured party.

§ 193a

Prohibited adoption mediation

1) Anyone who causes a person entitled to give consent to consent to the adoption of a minor by another person in return for a benefit for themselves or a third party shall be punished with imprisonment of up to two years.

2) If the offender acts to obtain a financial advantage for themselves or a third party, they shall be punished with imprisonment of up to three years.

3) Adoptive parents and adopted children between whom the adoption is arranged shall not be punished as participants (§ 12 StGB).

§ 194

Removal of a minor from the authority of the legal guardian

- 1) Anyone who removes a minor from the authority of their legal guardian, conceals them from their guardian, induces them to remove themselves from this authority or to conceal themselves from their guardian, or assists them in doing so, shall be punished with imprisonment for up to one year or a fine of up to 720 daily rates.
- 2) Anyone who commits the offense in relation to a minor shall be punished with imprisonment for up to three years.
- 3) Anyone who commits the offense in order to sexually abuse the minor or to subject them to sexual acts shall also be punished with imprisonment of up to three years.
- 4) The offender shall only be prosecuted at the request of the legal guardian.
- 5) A minor who induces another person to remove them from the authority of their legal guardian or to assist them in removing themselves from that authority shall not be punished.

§ 195

Obstruction of officially ordered educational measures

- 1) Anyone who removes a minor from an officially ordered educational measure, induces them to remove themselves from such a measure, or assists them in doing so shall be punished with imprisonment of up to six months or a fine of up to 360 daily rates.
- 2) The offender shall only be prosecuted at the request of the authority responsible for deciding on the continuation of the educational measure.
- 3) Section 194(5) applies accordingly.

§ 196

Repealed

§ 197

Breach of maintenance obligation

- 1) Anyone who grossly violates their maintenance obligation under family law and thereby jeopardizes the maintenance or upbringing of the person entitled to maintenance, or would jeopardize it without help from elsewhere, shall be punished with imprisonment of up to six months or a fine of up to 360 daily rates. In particular, anyone who fails to pursue employment that would enable them to fulfill this obligation is also in breach of their maintenance obligation.

2) If the offender is a repeat offender (§ 39) or if the offense results in the neglect or considerable damage to the health or physical or mental development of the person entitled to maintenance, the offender shall be punished with imprisonment for up to two years, but if the offense results in the death of the person entitled to maintenance, the offender shall be punished with imprisonment for up to three years.

3) The offender shall not be punished under paragraph 1 if he or she pays the maintenance amounts covered by the prosecution request in full by the end of the proceedings.

§ 198

Neglect of care, upbringing, or supervision

Anyone who grossly neglects the care, upbringing, or supervision of a minor person incumbent upon him by law and thereby, even if only through negligence, causes the minor to become neglected shall be punished with imprisonment for up to six months or a fine of up to 360 daily rates.

§ 199

Falsely claiming a child

Anyone who fours a child shall be punished with imprisonment for up to one year or a fine of up to 720 daily rates.

10. Section

Criminal acts against sexual self-determination and other sexual offenses

§ 200

Rape

1) Anyone who forces a person to engage in or tolerate sexual intercourse or a sexual act equivalent to sexual intercourse by means of violence, deprivation of personal liberty, or threats of present danger to life or limb (§ 89) shall be punished with imprisonment of two to ten years.

2) If the act results in serious bodily injury (§ 84 (1)) or pregnancy of the raped person, or if the raped person is subjected to prolonged suffering or particular humiliation as a result of the act, the perpetrator shall be punished with imprisonment of five to fifteen years, but if the act results in the death of the raped person, the perpetrator shall be punished with imprisonment of ten to twenty years or with life imprisonment.

§ 201

Sexual coercion

1) Anyone who, except in the cases referred to in § 200, compels a person by force or dangerous threat to perform or tolerate a sexual act shall be punished with imprisonment from six months to five years.

2) If the act results in serious bodily injury (Section 84 (1)) or pregnancy of the coerced person, or if the coerced person is subjected to prolonged suffering or particular humiliation as a result of the act, the perpetrator shall be punished with imprisonment of five to fifteen years, but if the act results in the death of the coerced person, with imprisonment of ten to twenty years or with life imprisonment.

§ 202

Repealed

§ 203

Sexual harassment

1) Anyone who, directly or indirectly, with the aid of information or communication technologies, performs a sexual act in front of another person who does not expect this and thereby causes justified annoyance, or who sexually harasses a person physically or directly or indirectly with the aid of information or communication technologies in a gross manner through words, shall be punished on application with imprisonment of up to six months or a fine of up to 360 daily rates.

2) Anyone who commits sexual harassment under paragraph 1 in the circumstances specified in § 212 (1) or (2) shall be punished with imprisonment for up to one year or a fine of up to 720 daily rates.

3) Anyone who sexually harasses a minor within the meaning of paragraph 1 shall be punished with imprisonment for up to three years.

*Section 204**Sexual abuse of a defenseless or mentally impaired person*

1) Anyone who sexually abuses a defenseless person or a person who, due to mental illness, mental disability, profound disturbance of consciousness, or another serious mental disorder equivalent to one of these conditions, is incapable of understanding the significance of the act or of acting in accordance with this understanding, by exploiting this condition, shall be punished by imprisonment for up to three years.

needs to have sexual intercourse or perform a sexual act equivalent to sexual intercourse with her, or to induce her to perform or tolerate sexual intercourse or a sexual act equivalent to sexual intercourse with another person, or to sexually arouse or satisfy himself or a third party, or induces her to perform a sexual act equivalent to sexual intercourse on herself, shall be punished with imprisonment of one to ten years.

2) Anyone who sexually abuses a defenseless or mentally impaired person (para. 1) by exploiting this condition, except in the case of para. 1, or induces them to perform a sexual act with another person or, in order to sexually arouse or satisfy themselves or a third party, to perform a sexual act on themselves shall be punished with imprisonment from six months to five years.

3) If the act results in serious bodily injury (Section 84 (1)) or pregnancy of the abused person, or if the abused person is subjected to prolonged suffering or particular humiliation as a result of the act, the perpetrator shall be punished with imprisonment of five to fifteen years, but if the act results in the death of the abused person, with imprisonment of ten to twenty years or with life imprisonment.

§ 204a

Violation of sexual self-determination

1) Anyone who, against the will of another person, takes advantage of a situation of distress or after prior intimidation, engages in sexual intercourse or a sexual act equivalent to sexual intercourse shall be punished with imprisonment of up to two years, unless the act is punishable by a more severe penalty under another provision.

2) Anyone who, in the manner described in paragraph 1, causes a person to perform or tolerate sexual intercourse or a sexual act equivalent to sexual intercourse with another person, or to sexually arouse or satisfy themselves or a third party, shall also be punished. causes a person to involuntarily perform a sexual act equivalent to sexual intercourse on themselves.

§ 205

Serious sexual abuse of minors

- 1) Anyone who engages in sexual intercourse or a sexual act equivalent to sexual intercourse with a minor shall be punished with imprisonment of two to ten years.
- 2) The same punishment shall apply to anyone who induces a minor to engage in or tolerate sexual intercourse or a sexual act equivalent to sexual intercourse with another person or, in order to sexually arouse or satisfy themselves or a third party, induces them to perform a sexual act equivalent to sexual intercourse on themselves.
- 3) If the act results in serious bodily injury (Section 84 (1)) or pregnancy of the minor, or if the minor is subjected to prolonged suffering or is otherwise degraded by the act, the offender shall be punished with imprisonment of five to fifteen years; however, if the act results in the death of the minor, the offender shall be punished with imprisonment of ten to fifteen years., the perpetrator shall be punished with imprisonment of five to fifteen years, but if the act results in the death of the minor, with imprisonment of ten to twenty years or life imprisonment.
- 4) If the age of the perpetrator does not exceed the age of the minor by more than three years, the minor is not placed in a state of prolonged suffering or particularly humiliated by the act, and the act does not result in serious bodily injury (§ 84 (1)) or the death of the minor, the offender shall not be punished under paragraphs 1 and 2, unless the minor is under the age of twelve.

§ 206

Sexual abuse of minors

- 1) Anyone who, except in the case of § 205, performs a sexual act on a minor or allows a minor to perform a sexual act on them shall be punished with imprisonment of one to five years.
- 2) The same penalty shall apply to anyone who induces a minor to perform a sexual act (para. 1) with another person or, in order to sexually arouse or satisfy themselves or a third party, to perform a sexual act on themselves.
- 3) If the act results in serious bodily injury (Section 84 (1)) or if the minor is subjected to prolonged suffering or particular humiliation as a result of the act, the perpetrator shall be punished with imprisonment of

five to fifteen years, but if the act results in the death of the minor, it shall be punished with imprisonment of ten to twenty years or life imprisonment.

4) If the age of the perpetrator does not exceed the age of the minor by more than three years, the minor is not subjected to prolonged suffering or particular humiliation as a result of the act, and the act does not result in serious bodily injury (Section 84 (1)) or the death of the minor, the offender shall not be punished under paragraphs 1 and 2, unless the minor is under the age of twelve.

§ 207

Moral endangerment of minors or young persons

1) Anyone who, directly or indirectly, with the aid of information or communication technologies, performs an act before a minor or a young person who is subject to his or her education, training, or supervision, which is likely to endanger the moral, mental, or physical development of minors or young persons, in order to sexually arouse or satisfy himself or herself or a third party, shall be punished with imprisonment for up to one year or a fine. training or supervision, in order to sexually arouse or satisfy themselves or a third party, shall be punished with imprisonment for up to one year or a fine of up to 720 daily rates, unless the circumstances of the case rule out any danger to the minor or young person.

2) If the act results in serious bodily injury (§ 84 (1)), the offender shall be punished with imprisonment for up to three years.

3) If, in the first case referred to in paragraph 1, the age of the perpetrator does not exceed that of the minor by more than three years, the perpetrator shall not be punished under paragraph 1, first case, unless the minor has not yet reached the age of twelve.

§ 208

Sexual abuse of minors

1) A person who, after reaching the age of eighteen, sexually abuses a person who has not yet reached the age of sixteen

1. by exploiting their lack of capacity for sexual self-determination or
2. by exploiting a situation of distress

or induces them to perform a sexual act on themselves in order to sexually arouse or satisfy themselves or a third party shall be punished with imprisonment of up to three years.

2) Anyone who sexually abuses a person under the age of eighteen in return for payment, or induces such a person to perform a sexual act with another person, or to perform a sexual act on themselves for the purpose of sexually arousing or satisfying themselves or a third party, shall also be punished.

3) If the sexual abuse in the cases referred to in paragraphs 1 or 2 consists of sexual intercourse or a sexual act equivalent to sexual intercourse, the offender shall be punished with imprisonment from six months to five years.

4) If the act referred to in paragraphs 1, 2, or 3 results in grievous bodily harm (§ 84 (1)), the perpetrator shall be punished with imprisonment of between one and ten years.

§ 209

Initiation of sexual contact with minors

1) Anyone who, with the aid of information or communication technologies or by other means, deceitfully proposes or arranges a personal encounter or meeting with a minor with the intention of committing a criminal offense against that minor under Sections 200, 201, 204, 205, 206, or 219 (1) No. 1 against them, shall be punished with imprisonment of up to three years, provided that preparatory acts for such a meeting have already been taken.

2) Anyone who, with the intention of committing a criminal offense under § 219 (1) No. 2 or (4) in relation to a pornographic representation (§ 219 (5)) of this person, with the aid of information or communication technologies, shall be punished with imprisonment of up to one year or a fine of up to 720 daily rates.

3) According to paragraphs 1 and 2, anyone who voluntarily abandons their plan and discloses their guilt to the authorities before the authorities (§ 151 (3)) become aware of their guilt shall not be punished.

§ 209a

Indecent influence on minors

1) Anyone who causes a minor to witness a sexual act for sexual reasons shall be punished with imprisonment for up to three years.

2) If the age of the perpetrator does not exceed the age of the minor by more than three years and the sexual acts are not criminal offenses under Sections 200, 201, 204 to 206, or 208, the offender shall not be punished under paragraph 1, unless the minor is under the age of twelve.

§ 210

Offering prostitution

1) Anyone who offers themselves for prostitution shall be punished with imprisonment of up to six months or a fine of up to 720 daily rates.

2) Offering within the meaning of paragraph 1 is any behavior that is likely to cause justified public annoyance and is aimed at establishing relationships for the purpose of prostitution.

§ 211

Incest

1) Anyone who has sexual intercourse or performs a sexual act equivalent to sexual intercourse with a person who is a direct relative shall be punished with imprisonment for up to one year or a fine of up to 720 daily rates.

2) Anyone who seduces a person who is related to them in a descending line into sexual intercourse or a sexual act equivalent to sexual intercourse shall be punished with imprisonment of up to three years.

3) Anyone who engages in sexual intercourse or a sexual act equivalent to sexual intercourse with their brother or sister shall be punished with imprisonment of up to six months or a fine of up to 360 daily rates.

4) Anyone who has not yet reached the age of eighteen at the time of the offense shall not be punished for incest if they have been seduced into committing the act.

§ 212

Abuse of a position of authority

1) Anyone who sexually abuses a minor who is related to them in the descending line, their minor foster child, stepchild, or ward, and who, by exploiting his position of authority over a minor under his care, education, or supervision, sexually abuses that minor or induces that minor to perform a sexual act with another person or, in order to sexually arouse or satisfy himself or a third party, induces that minor to perform a sexual act on himself, shall be punished with imprisonment for up to three years.

2) The same punishment shall apply to anyone who

1. as a doctor, member of a legally regulated health profession, or pastoral caregiver, with a person under their professional care,
2. as an employee of an educational institution or otherwise as a person employed in an educational institution, a person in the care of the institution,
3. as a civil servant, a person entrusted to his official care,
4. a person who is entrusted to him for counseling, treatment, or care due to a mental or psychological illness or disability, including an addiction, or
5. a person who is dependent on him due to a predicament, an employment relationship, or similar circumstances,

by exploiting his position, either sexually abuses this person or induces them to perform a sexual act with another person or, in order to sexually arouse or satisfy himself or a third party, induces them to perform a sexual act on themselves.

3) If the act results in serious bodily injury (§ 84 (1)), the perpetrator shall be punished with imprisonment from six months to five years.

§ 213

Pimping

1) Anyone who, under the conditions specified in § 212, induces a person with whom they have one of the relationships described therein to engage in sexual acts with another person, or who brings about the personal contact of a minor with another person for the purpose of performing a sexual act, shall be punished with imprisonment of up to three years.

2) If the offender acts in order to obtain a financial advantage for themselves or another person, they shall be punished with imprisonment of six months to five years.

§ 214

Mediation of sexual contacts with minors in return for payment

1) Anyone who induces a minor to approach another person for the purpose of performing a sexual act in order to obtain a financial advantage for themselves or another person shall be punished with imprisonment of six months to five years.

2) Anyone who, except in the case of paragraph 1, brings about the personal approach of a minor to another person for the purpose of performing a sexual act in order to obtain a financial advantage for themselves or another person shall be punished with imprisonment of six months to two years.

§ 215

Inducement to prostitution

1) Anyone who leads a person into prostitution shall be punished with imprisonment of up to two years.

2) Repealed

§ 215a

Promotion of prostitution and pornographic performances by minors

1) Anyone who recruits a minor, even if they are already engaged in prostitution, to engage in prostitution or participate in a pornographic performance, or who offers or procures another person for such a purpose, shall be punished with imprisonment from six months to five years. Anyone who exploits a minor who is engaged in prostitution or participates in a pornographic performance in this context in order to gain a financial advantage for themselves or another person shall also be punished.

2) Anyone who commits the act against a minor, within the framework of a criminal organization, using serious violence or in such a way that the act intentionally or through gross negligence (§ 6 (3)) endangers the life of the person or results in a particularly serious disadvantage for the person shall be punished with imprisonment of one to ten years.

3) A person participates in a pornographic performance if they perform a sexual act on themselves, on another person, or with an animal that is reduced to themselves, detached from other expressions of life, and serves to sexually arouse a viewer, if they allow such a sexual act to be performed on themselves, or if they expose their genitals or pubic area in such a manner.

4) Anyone who knowingly attends a pornographic performance in which minors participate shall be punished with imprisonment of up to three years.

§ 216

Pimping

1) Anyone who exploits another person with the intention of obtaining a continuing income from that person's prostitution shall be punished with imprisonment of up to two years.

2) Anyone who exploits another person with the intention of obtaining a continuous income from that person's prostitution, intimidates that person, dictates the conditions under which that person engages in prostitution, or exploits several such persons at the same time shall be punished with imprisonment of up to three years.

3) Anyone who uses intimidation to prevent a person from giving up prostitution shall also be punished with imprisonment of six months to five years.

4) Anyone who commits an act punishable under paragraphs 1 or 2 as a member of a criminal organization shall be punished with imprisonment of six months to five years.

5) The offender shall be punished with imprisonment of six months to five years if the person exploited is under the age of eighteen.

§ 217

Cross-border prostitution trafficking

1) Anyone who procures or recruits a person, even if they are already engaged in prostitution, for prostitution in a country other than the country of which they are a national or in which they have their habitual residence shall be punished with imprisonment from six months to five years, or, if they commit the act commercially, with imprisonment from one to ten years.

2) Whoever, with the intention of engaging a person (paragraph 1) in prostitution in a country other than that of which they are a national or in which they have their habitual residence, into prostitution, by deceiving them about this intention or by coercing them with violence or dangerous threats to go to another country, or by transporting them to another country with violence or by exploiting their misconception about this intention, shall be punished with imprisonment from one to ten years.

§ 218

Exhibitionism

Anyone who performs a sexual act in public and under circumstances in which their behavior is likely to cause justified offense through direct perception shall be punished with imprisonment of up to six months or a fine of up to 360 daily rates.

§ 218a

Pornography

1) Anyone who offers, displays, transfers, otherwise makes available, or publicly displays pornographic writings, audio or video recordings, illustrations, other items of this kind, or pornographic performances of a person who has not yet reached the age of sixteen, shall be punished with imprisonment for up to six months or a fine of up to 360 daily rates.

2) Anyone who publicly displays or shows objects or performances within the meaning of paragraph 1 or otherwise offers them to anyone unsolicited shall be punished with imprisonment of up to three months or a fine of up to 180 daily rates. Anyone who informs visitors to exhibitions or performances in closed rooms in advance of their pornographic nature shall not be punished.

3) Anyone who produces, imports, stores, distributes, promotes, exhibits, offers, displays, transfers, or makes available objects or performances within the meaning of paragraph 1 that involve sexual acts with animals, human excrement, or violence shall be punished with imprisonment of up to two years.

4) Anyone who procures or possesses objects or performances within the meaning of paragraph 1 that involve violence shall be punished with imprisonment of up to one year.

5) Anyone who commits the acts referred to in paragraphs 1 to 3 on a commercial basis or as a member of a criminal organization shall be punished with imprisonment of up to three years.

6) Objects or performances within the meaning of this provision are not pornographic if they have a cultural or scientific value worthy of protection.

§ 219

Pornographic depictions of minors

1) Anyone who produces a pornographic depiction of a minor (paragraph 5)

1. or

2. offers, procures, transfers, displays, or otherwise makes available to another person

shall be punished with imprisonment from six months to five years.

2) Anyone who produces, imports, transports, or exports a pornographic depiction of a minor (para. 5) for the purpose of distribution, or who commits an act under para. 1 on a commercial basis, shall be punished with imprisonment of one to ten years.

3) Anyone who commits the offense as a member of a criminal organization or in such a way that it causes particularly serious harm to the minor shall be punished with imprisonment of five to fifteen years; The same penalty shall apply to anyone who produces a pornographic depiction of a minor (para. 5) using serious violence or who, in the course of production, intentionally or through gross negligence (§ 6 para. 3) endangers the life of the minor depicted.

4) Anyone who

1. obtains or possesses a pornographic representation of a minor (para. 5) or

2. knowingly accesses a pornographic depiction of minors with the aid of information or communication technologies.

5) Pornographic depictions of minors are

1. depictions or pictorial representations of a sexual act on a minor or a minor on themselves, on another person, or with an animal,

2. depictions or images of the genitals or pubic area of minors, insofar as these are depictions reduced to themselves and detached from other expressions of life, which serve to sexually arouse the viewer.

6) According to paragraph 1, number 1, and paragraph 4, number 1, anyone who produces or possesses a pornographic representation of a minor with their consent and for their own or their own use shall not be punished.

6a) Furthermore, no punishment shall be imposed on anyone who

1. in the cases referred to in paragraph 1, 2, and 4, item 1, produces, possesses, or offers, procures, transfers, displays, or otherwise makes available to others for their own use a pornographic representation of a minor of themselves, or
2. possesses a pornographic representation of a minor of themselves.
- 7) Objects or presentations within the meaning of this provision are not pornographic if they have a cultural or scientific value worthy of protection.

§ 220

Prohibition of activity

- 1) If the offender has committed a criminal offense against sexual self-determination or another sex-related offense against a minor and, at the time of the offense, was engaged in or intended to engage in gainful employment or other activities in an association or other institution involving the education, training, or supervision of minors or otherwise involves intensive contact with minors, he shall be prohibited from engaging in these and similar activities for a period of at least one and at most five years, provided that there is a risk that he will otherwise commit another such criminal offense with more than minor consequences by exploiting an opportunity afforded to him by such activity.
- 2) If there is a risk that the offender will commit criminal acts of the type referred to in paragraph 1 with serious consequences while performing the activity, or if the offender has committed a criminal act of the type referred to in paragraph 1 by taking advantage of the opportunity afforded by his activity, even though he was prohibited from exercising this activity by a criminal court at the time of the offense, the prohibition shall be imposed for an indefinite period.
- 3) If circumstances subsequently arise or become known which, had they been known at the time of the judgment, would have prevented a prohibition on activities from being imposed, the court shall lift the prohibition on activities.
- 4) In the case of a prohibition on working imposed for an indefinite period, the court shall review at least every two years whether the conditions set out in paragraph 2 are met.

5) The duration of the prohibition on working shall commence when the decision imposing the prohibition becomes final. Periods during which the offender is detained by order of the authorities shall not be included in this period.

6) Anyone who pursues an activity even though they know that they have been prohibited from doing so under the above provisions shall be punished with imprisonment of up to six months or a fine of up to 360 daily rates.

§ 221

Repealed

11. Section

Cruelty to animals

§ 222

Cruelty to animals

Repealed

12. Section

Criminal offenses against the reliability of documents and evidence

§ 223

Document forgery

1) Anyone who produces a false document with the intention of using it in legal transactions to prove a right, a legal relationship, or a fact, or who falsifies a genuine document with the same intention, shall be punished with imprisonment for up to one year or a fine of up to 720 daily rates.

2) Anyone who uses a false or falsified document in legal transactions to prove a right, a legal relationship, or a fact shall be punished in the same way.

§ 224

Falsification of specially protected documents

Anyone who commits one of the acts punishable under § 223 in relation to a domestic public document, a foreign public document if it is treated as equivalent to a domestic public document by law or intergovernmental treaty, a last will and testament, or a security not mentioned in § 237 shall be punished with imprisonment for up to two years.

Section 224a

Acceptance, transfer, or possession of false or falsified specially protected documents

Anyone who accepts, passes on, or possesses a false or falsified specially protected document (§ 224) with the intention that it be used in legal transactions as evidence of a right, a legal relationship, or a fact, shall be punished with imprisonment for up to one year or a fine of up to 720 daily rates.

§ 225

Falsification of public certification marks

1) Anyone who counterfeits or falsifies a public certification mark on an item, substitutes another item for a public certification mark, or substantially alters an item bearing such a mark shall be punished with imprisonment for up to two years if they act with the intention that the item be used in legal transactions.

2) Anyone who uses an item bearing a counterfeited or falsified public certification mark, an item to which a public certification mark has been falsely attached, or an item that has been substantially altered after such a mark has been affixed, in legal transactions shall be punished in the same way.

3) Any mark affixed to an item in the prescribed form by a public official within the scope of his or her official powers or by a person vested with public authority within the scope of his or her assigned duties in order to confirm a fact relating to the item shall be deemed a public certification mark.

§ 225a

Data falsification

Anyone who, by entering, altering, deleting, or suppressing data, creates false data with the intent to use it in legal transactions as evidence of a right, a legal relationship, or a fact, or falsifies genuine data with the same intent, shall be punished with imprisonment for up to one year or a fine of up to 720 daily rates.

§ 226

Active repentance

1) According to Sections 223 to 225a, no punishment shall be imposed on anyone who voluntarily, before the false or forged document bearing the counterfeit or forged public certification mark or the document to which a public certification mark has been falsely attached or the document that has been substantially altered after the affixing of such a mark, voluntarily eliminates the danger that the document, object, or data will be used in the manner described in §§ 223 to 225a by destroying the document, certification mark, or data or by other means.

2) If there is no risk of such use or if it has been eliminated without the perpetrator's involvement, he shall not be punished if he voluntarily and seriously endeavors to eliminate it in ignorance of this fact.

Section 227

Preparation of the forgery of public documents or certification marks

1) Anyone who, with the intention of enabling themselves or another person to forge a domestic public document or a foreign public document, if it is treated as equivalent to a domestic public document by law or intergovernmental treaty (§ 224), or a forgery of public certification marks (§ 225), shall be punished with imprisonment for up to one year or a fine of up to 720 daily rates.

2) According to paragraph 1, anyone who voluntarily eliminates the danger of such use by destroying or otherwise disposing of the means or tool used to commit one of the criminal acts specified therein before it has been used shall not be punished.

Section 226 (2) shall apply *mutatis mutandis*.

Section 228

Indirect incorrect certification or authentication

1) Anyone who causes a right, a legal relationship, or a fact to be incorrectly certified in a domestic public document in good faith, or causes an incorrect public certification mark to be affixed to an item, shall be punished with imprisonment of up to one year or a fine of up to 720 daily rates if they act with the intention that the document will be used in legal transactions as proof of the right, legal relationship, or fact, or that the item

be used in legal transactions, shall be punished with imprisonment for up to one year or a fine of up to 720 daily rates.

2) Similarly, anyone who uses a domestic public document that was produced in good faith but is incorrect, and whose inaccuracy was caused intentionally by them or a third party, in legal transactions as evidence of the right, legal relationship, or fact, or anyone who uses in legal transactions an item that has been provided in good faith with an incorrect public certification mark, the incorrect affixing of which was intentionally caused by them or a third party.

3) Section 226 applies accordingly.

§ 229

Suppression of documents

1) Anyone who destroys, damages, or suppresses a document over which they have no or not sole control shall be punished with imprisonment for up to one year or a fine of up to 720 daily rates if they act with the intent of preventing it from being used in legal transactions as evidence of a right, legal relationship, or fact.

2) According to paragraph 1, anyone who voluntarily reverses the suppression of the document before it is to be used in legal transactions or otherwise ensures that the act does not impede the evidence that the document was intended to serve shall not be punished.

§ 230

Relocation of boundary markers

1) Anyone who incorrectly places, moves, removes, or renders unrecognizable a marker intended to designate the boundary or water level with the intention of creating or suppressing evidence of a fact of legal significance shall be punished with imprisonment for up to two years.

2) According to paragraph 1, anyone who voluntarily corrects or restores the marker before it is used or has been used as evidence, or who otherwise ensures that the act does not impede the evidence that the marker was intended to serve, shall not be punished.

§ 231

Use of foreign identity documents

1) Anyone who uses an official identity document issued to another person in legal transactions as if it had been issued to them shall be punished with imprisonment of up to six months or a fine of up to 360 daily rates.

2) The same penalty shall apply to anyone who gives another person an official identity document with the intention that it be used by an unauthorized person in legal transactions as if it had been issued to them.

3) According to paragraph 2, no penalty shall be imposed on anyone who voluntarily withdraws the identity document before it has been used by an unauthorized person in legal transactions or who otherwise eliminates the risk of the official identity document being used in the manner described in paragraph 2.

13. Section

Criminal offenses against the security of transactions involving money, securities, stamps, and non-cash means of payment

§ 232

Counterfeiting

1) Anyone who counterfeits or falsifies money with the intention of putting it into circulation as genuine and unaltered shall be punished with imprisonment of between one and ten years.

2) The same punishment shall apply to anyone who, with the consent of a person involved in the counterfeiting (§ 12) or an intermediary, takes possession of such counterfeit or falsified money with the intention of putting it into circulation as genuine and unaltered.

§ 233

Passing on and possession of counterfeit or falsified money

1) Anyone who imports, exports, transports, or, except in the case referred to in § 232 (2), takes possession of counterfeit or falsified money

1. with the intention that it be spent as genuine and unadulterated, except in the case referred to in § 232 (2), takes it over from another person, otherwise obtains or possesses it, or

2. passes it off as genuine and unadulterated

shall be punished with imprisonment of up to five years.

2) Anyone who commits an offense involving counterfeit or falsified money with a face value of more than 300,000 Swiss francs shall be punished with imprisonment of between one and ten years.

§ 234

Reducing the value of coins and passing on reduced coins

1) Anyone who reduces the weight of a coin with the intention of passing it off as full value shall be punished with imprisonment of six months to five years.

2) Anyone who takes a debased coin

1. with the intention of passing it off as full value, or otherwise obtains or

2. as full value

shall be punished with imprisonment of up to three years. Anyone who commits the offense with debased coins whose face value exceeds 300,000 francs shall be punished with imprisonment of six months to five years.

§ 235

Applying, concealing, or trading coin waste

Anyone who purchases, takes as collateral, or otherwise acquires, conceals, or trades metal obtained by another person through the reduction of coins (§ 234 (1)) shall be punished with imprisonment for up to one year or a fine of up to 720 daily rates.

§ 236

Passing on counterfeit money or reduced coins

1) Anyone who passes on counterfeit or falsified money or a debased coin as genuine and unadulterated or as being of full value shall, if he or another person has received the money or coin in good faith as genuine and unadulterated or as being of full value, be punished with imprisonment for up to one year or a fine of up to 720 daily rates. without thereby making themselves liable to prosecution, shall be punished with imprisonment for up to one year or a fine of up to 720 daily rates.

2) Anyone who commits one of the acts referred to in paragraph 1 on behalf of another person who, without thereby making themselves liable to prosecution, has received the money or coin in good faith as genuine and unadulterated or as being of full value shall also be punished.

§ 237

Counterfeiting of specially protected securities

According to §§ 232, 233, or 236, anyone who commits one of the acts punishable therein in relation to banknotes or banknotes that are not legal tender, mortgage bonds, partial debentures, shares or other share certificates, interest, profit participation or renewal certificates, provided that these securities are bearer securities.

Section 238

Counterfeiting of securities

1) Anyone who counterfeits or falsifies an official stamp with the intention of passing it off as genuine and unaltered shall be punished with imprisonment of up to three years.

2) Anyone who takes over such a counterfeited or falsified stamp

1. with the intention that it be used as genuine and unaltered, or otherwise obtains or

2. uses it as genuine and unaltered

shall be punished with imprisonment of up to two years.

3) Official stamps certifying the payment of a fee or other charge shall also be considered official stamps.

4) The reuse of an official stamp that has already been used is not punishable by law.

§ 239

Preparation of counterfeit money, securities, or tokens

Anyone who, with the intention of enabling themselves or another person to commit one of the acts punishable under §§ 232, 234, 237, or 238, shall be punished with imprisonment for up to two years.

§ 240

Active repentance

1) No penalty shall be imposed for any of the acts punishable under Sections 232 to 234 and 237 to 239 if the person voluntarily

1. ceases the activity described therein before its completion,

2. destroys the counterfeit or falsified money, such securities or stamps, or the reduced coins, as well as the counterfeiting equipment (Section 239), or hands them over to the authorities (Section 151 (3)), insofar as they still possess these items, and

3. by notifying this authority or by other means, eliminates the risk that, as a result of his activities or the activities of others involved in the enterprise, counterfeit or falsified money or securities will be put into circulation as genuine and unaltered, or that debased coins will be put into circulation as full value, or

or a counterfeit or falsified security is used as genuine and unadulterated, as long as no attempt has been made to bring about any of these outcomes.

2) The offender shall also not be punished if the dangers referred to in paragraph 1 do not exist or are eliminated without his intervention, but he voluntarily and seriously endeavors to eliminate them in ignorance of this fact.

§ 241

Foreign currency, securities, and stamps

The provisions of this section also apply to foreign currency, securities, and tokens of value.

§ 241a

Counterfeiting of non-cash means of payment

1) Anyone who manufactures counterfeit non-cash means of payment with the intention of using them in legal transactions as genuine means of payment, or who falsifies genuine non-cash means of payment with the intention of using them in legal transactions as genuine means of payment, shall be punished with imprisonment of up to three years.

2) Anyone who commits the offense commercially or as a member of a criminal organization shall be punished with imprisonment from six months to five years.

§ 241b

Acceptance, transfer, or possession of counterfeit or falsified non-cash means of payment

Anyone who accepts, obtains for themselves or another person, transports, transfers to another person or otherwise possesses a false or counterfeit non-cash means of payment with the intention of using it as genuine in legal transactions shall be punished with imprisonment of up to one year or a fine of up to 720 daily rates.

§ 241c

Preparation of counterfeit non-cash means of payment

Anyone who, with the intention of obtaining for themselves or another person a counterfeit non-cash means of payment, manufactures, takes over from another person, obtains for themselves or another person, or makes available to another person a means or tool which, according to its particular nature, is clearly intended for such a purpose, shall be punished with imprisonment for not less than one, shall be punished with imprisonment for up to one year or a fine of up to 720 daily rates.

§ 241d

Active repentance

1) No punishment shall be imposed for any of the acts punishable under §§ 241a to 241c if, before the false or counterfeit non-cash means of payment has been used in legal transactions, the person voluntarily destroys the non-cash means of payment or, before the means or tool for counterfeiting a non-cash means of payment has been used, destroys the means or tool or otherwise eliminates the risk of such use. non-cash means of payment, destroys the means or tool, or otherwise eliminates the risk of such use.

2) If there is no risk of such use or if it has been eliminated without the perpetrator's involvement, the perpetrator shall not be punished if, unaware of this, he voluntarily and seriously endeavors to eliminate it.

§ 241e

Misappropriation of non-cash means of payment

1) Anyone who obtains a non-cash means of payment over which they have no or not sole control with the intention of unlawfully enriching themselves or a third party through its use in legal transactions shall be punished with imprisonment of up to two years. Anyone who obtains a non-cash means of payment over which they have no or sole control with the intention of enabling themselves or another person to forge non-cash means of payment (§ 241a) shall also be punished.

2) Anyone who commits the offense commercially or as a member of a criminal organization shall be punished with imprisonment from six months to five years.

3) Anyone who destroys, damages, or suppresses a non-cash means of payment over which they have no or sole control with the intention of preventing its use in legal transactions shall be punished with imprisonment of up to one year or a fine of up to 720 daily rates.

§ 241f

Acceptance, transfer, or possession of misappropriated non-cash means of payment

Anyone who takes possession of misappropriated non-cash means of payment from another person, procures them for themselves or another person, transports them, transfers them to another person or otherwise possesses them with the intention of unlawfully enriching themselves or a third party through their use, or with the intention of enabling themselves or another person to forge non-cash means of payment (§ 241a), shall be punished with imprisonment for up to one year or a fine of up to 720 daily rates.

§ 241g

Active repentance

1) According to Sections 241e and 241f, anyone who voluntarily, before the misappropriated non-cash means of payment has been used in legal transactions or to counterfeit a non-cash means of payment, eliminates the risk of such use by handing it over to the authorities (Section 151 (3)) or by other means shall not be punished.

2) If there is no risk of such use or if it has been eliminated without the perpetrator's involvement, the perpetrator shall not be punished if, unaware of this, he voluntarily and seriously endeavors to eliminate it.

Section 241h

Spying on data of a non-cash means of payment

1) Anyone who spies on data from a non-cash means of payment with the intention
1. in order to unlawfully enrich themselves or a third party through its use in legal transactions or

2. to enable himself or another person to counterfeit non-cash means of payment (§ 241a),

shall be punished with imprisonment of up to one year or a fine of up to 720 daily rates.

2) Anyone who commits the offense commercially or as a member of a criminal organization shall be punished with imprisonment of up to three years.

3) The offender shall not be punished if, before the data obtained by spying has been used within the meaning of paragraph 1, subparagraph 1 or 2, he voluntarily eliminates the risk of its use by notifying the authorities, the entitled party, or by other means. If there is no risk of such use or if it has been eliminated without the perpetrator's intervention, he shall not be punished if he voluntarily and seriously endeavors to eliminate it without being aware of it.

14. Section

High treason and other attacks against the state

§ 242

High treason

1) Anyone who attempts to change the constitution of the Principality of Liechtenstein by force or threat of force, or to secede from the Principality of Liechtenstein, shall be punished with imprisonment for a term of ten to twenty years.

2) An attempt to commit an act within the meaning of paragraph 1 shall also constitute an offense.

§ 243

Active repentance

1) The offender shall not be punished for high treason if he voluntarily abandons the execution or, if several persons are involved in the plan, prevents it, or if he voluntarily averts its success.

2) The perpetrator shall also not be punished if the execution or success fails without his involvement, but he voluntarily and seriously endeavors to prevent the execution or avert the success without knowing this.

§ 244

Preparation of high treason

1) Anyone who conspires with another person to commit high treason shall be punished with imprisonment of between one and ten years.

2) Anyone who prepares high treason in any other way and thereby causes or significantly increases the danger of a treasonous undertaking, or anyone who prepares high treason in collaboration with a foreign power, shall also be punished.

§ 245

Active repentance

1) The perpetrator shall not be punished for preparing high treason if he voluntarily abandons his activities or, if several persons are involved in the preparation, prevents the high treason.

2) Section 243 (2) shall apply *mutatis mutandis*.

§ 246

Anti-state associations

1) Anyone who establishes an association whose purpose, even if not exclusively, is to undermine the independence, the form of government laid down in the Constitution, or a constitutional institution of the Principality of Liechtenstein by unlawful means shall be punished with imprisonment from six months to five years.

2) Anyone who plays a leading role in such an association, recruits members for it, or supports it with funds or in any other significant way shall also be punished.

3) Anyone who otherwise participates in such an association or supports it in a manner other than that specified in paragraph 2 shall be punished with imprisonment for up to one year or a fine of up to 720 daily rates.

§ 247

Active repentance

According to § 246, no punishment shall be imposed on anyone who voluntarily discloses to the authorities (§ 151 (3)) everything they know about the association and its plans at a time when it is still secret, before the authorities become aware of their guilt.

Section 247a

Subversive movement

1) Anyone who founds an anti-state movement or plays a leading role in such a movement shall be punished with imprisonment of up to two years if they or another participant has carried out or contributed to a serious act in which the anti-state orientation is clearly manifested.

2) Anyone who participates in such a movement with the intention of promoting subversive acts, or who supports it with considerable financial resources or in any other significant way, shall be punished with imprisonment of up to one year or a fine of up to 720 daily rates, subject to the conditions set out in paragraph 1.

3) A subversive movement is a group of many people whose aim is to reject outright the sovereign rights of the Principality of Liechtenstein (state, municipalities, or other self-governing bodies) or to continually assume the exercise of such sovereign rights or alleged sovereign rights themselves, and whose purpose is to continuously prevent the enforcement of laws, ordinances, or other sovereign decisions of the authorities in a manner that clearly manifests its subversive orientation, or to enforce the usurped or alleged sovereign rights.

4) The perpetrator shall not be punished under paragraphs 1 and 2 if the act is punishable by a more severe penalty under another provision.

5) According to paragraphs 1 and 2, anyone who voluntarily withdraws from the movement in a manner that clearly indicates that they no longer support its anti-state orientation before the authorities become aware of their guilt shall not be punished.

§ 248

Denigration of the state and its symbols

1) Anyone who, in a manner that makes the act known to a broad public, insults or disparages the Principality of Liechtenstein in a hateful manner shall be punished with

imprisonment for up to one year or a fine of up to 720 daily rates.

2) Anyone who, in the manner described in paragraph 1, maliciously insults, disparages, or otherwise disparages a national flag or national banner displayed at a public event or at a generally accessible event, an emblem affixed by a Liechtenstein authority, or the national anthem in a hateful manner as described in paragraph 1 shall be punished with imprisonment for up to six months or a fine of up to 360 daily rates.

15. Section

Attacks on supreme state organs

§ 249

Violence and dangerous threats against the sovereign

Anyone who attempts (§ 242 (2)) to depose the sovereign by force or dangerous threats, or to coerce or prevent him from exercising his powers in general or in a specific sense by any of these means, shall be punished with imprisonment for a term of one to ten years.

§ 250

Coercion of the state parliament or the government

Anyone who attempts (§ 242 (2)) to coerce or prevent the state parliament or the government from exercising their powers at all or in a certain sense by means of violence or threats of violence shall be punished with imprisonment of between one and ten years.

§ 251

Coercion of members of the state parliament or the government

Anyone who uses violence or dangerous threats to coerce or prevent a member of the state parliament or government from exercising their powers at all or in a specific manner shall be punished with imprisonment from six months to five years and, in the case of aggravated coercion (§ 106), with imprisonment from one to ten years.

16. Section

Treason

§ 252

Betrayal of State Secrets

1) Anyone who discloses or makes accessible a state secret to a foreign power or a supranational or intergovernmental institution shall be punished with imprisonment from one to ten years.

2) Anyone who discloses or makes accessible a state secret to the public shall be punished with imprisonment of six months to five years. However, if the state secret concerns facts that endanger the constitution (para. 3), the offender shall only be punished if he acts with the intention of causing harm to the Principality of Liechtenstein. The mistaken assumption of facts that threaten the constitution does not exempt the perpetrator from punishment.

3) Facts that threaten the constitution are those that reveal efforts to unconstitutionally eliminate the monarchical, democratic, parliamentary, or constitutional structure of the Principality of Liechtenstein, or to abolish or restrict a constitutionally guaranteed right, or to repeatedly violate such a right.

§ 253

Disclosure of state secrets

1) Anyone who, pursuant to a legal obligation specifically incumbent upon them, is required to maintain secrecy regarding information that they know to be a state secret, and who violates this obligation under circumstances in which the secret may become known or accessible to a foreign power, a supranational or intergovernmental institution, or the public, shall be punished with imprisonment of up to three years.

2) However, if the state secret concerns facts that threaten the constitution (§ 252 (3)), the offender shall only be punished if they act with the intention of causing harm to the Principality of Liechtenstein. The mistaken assumption of facts that threaten the constitution does not exempt the offender from punishment.

§ 254

Espionage of state secrets

1) Anyone who withholds or obtains a state secret with the intention of disclosing it to a foreign power, a supranational or intergovernmental institution, or the public and thereby causes the risk of serious harm to the national defense of the Principality of Liechtenstein or to the relations of the Principality of Liechtenstein with a foreign power or a supranational or intergovernmental institution, shall be punished with imprisonment of six months to five years.

2) § 253 (2) applies accordingly.

§ 255

Definition of state secrets

State secrets within the meaning of this section are facts, objects, or knowledge, in particular writings, drawings, models, and formulas, and information about them, which are only accessible to a limited group of persons and must be kept secret from a foreign power or a supranational or intergovernmental institution in order to avert the danger of serious detriment to the national defense of the Principality of Liechtenstein or to the relations of the Principality of Liechtenstein with a foreign power or a supranational or intergovernmental institution.

§ 256

Secret intelligence service to the detriment of the Principality of Liechtenstein

Anyone who establishes or operates a secret intelligence service to the detriment of the Principality of Liechtenstein or supports such an intelligence service in any way shall be punished with imprisonment of up to three years.

§ 257

Aiding enemy forces

1) A Liechtenstein citizen who, during a war or armed conflict in which the Principality of Liechtenstein is involved, enters the service of the enemy armed forces or bears arms against the Principality of Liechtenstein shall be punished with imprisonment of one to ten years.

2) Anyone who, during a war or armed conflict in which the Principality of Liechtenstein is involved, or in the event of an imminent threat of such a war or armed conflict, provides an advantage to the enemy forces shall also be punished. Foreigners shall only be punished under this provision if they commit the act while they are in the country.

§ 258

Treasonous falsification and destruction of evidence

1) Anyone

1. has knowledge of a legal relationship between the Principality of Liechtenstein and a foreign power or a supranational or intergovernmental institution, or

2. about a fact that is significant for relations between the Principality of Liechtenstein and a foreign power or a supranational or intergovernmental institution,

produces false evidence or falsifies, destroys, damages, or removes genuine evidence, thereby jeopardizing the interests of the Principality of Liechtenstein, shall be punished with imprisonment of six months to five years.

2) Anyone who uses such false or falsified evidence and thereby jeopardizes the interests of the Principality of Liechtenstein shall also be punished.

17. Section

Criminal offenses against national defense

§ 259

Violation of the duty to defend the country

Anyone who violates their duty to defend the country in the event of a call-up shall be punished with imprisonment of six months to five years.

§ 260

Sabotage of defense resources

Anyone who, contrary to an obligation assumed, fails to manufacture or deliver military equipment or a facility or installation that serves exclusively or primarily for national defense or the protection of the civilian population against the dangers of war, or a material intended for this purpose, and thereby knowingly endangers national defense or the protection of the civilian population, shall be punished with imprisonment of between six months and five years if the act is not punishable under another provision. and thereby knowingly endangers national defense or the protection of the civilian population shall be punished with imprisonment from six months to five years, unless the act is punishable by a more severe penalty under another provision.

18. Section

Criminal offenses in elections and referendums

§ 261

Scope

1) The provisions of this section apply to the conduct of elections and referendums in public affairs.

2) Signing an election proposal or the procedure for a referendum, initiative, convening of the state parliament, or dissolution of the state parliament is equivalent to an election or vote.

§ 262

Obstruction of elections

1) Anyone who uses force or dangerous threats to coerce or prevent another person from voting or casting a ballot, either in general or in a specific sense, shall be punished with imprisonment for up to one year or a fine of up to 720 daily rates, but under the conditions of § 106 with the penalties specified therein.

2) Anyone who prevents another person from exercising their right to vote or cast their vote by means other than coercion shall be punished with imprisonment for up to six months or a fine of up to 360 daily rates.

§ 263

Deception in an election or vote

1) Anyone who, by deception about facts, causes or attempts to cause another person to err in the content of their declaration when casting their vote or to cast an invalid vote against their will shall be punished with imprisonment for up to six months or a fine of up to 360 daily rates.

2) Anyone who, by deception concerning a circumstance relating to the conduct of the election or vote, causes or attempts to cause another person to refrain from voting shall also be punished.

§ 264

Spreading false information during an election or vote

1) Anyone who publicly disseminates false information about circumstances that are likely to prevent persons entitled to vote from casting their vote or to induce them to exercise their right to vote in a certain way at a time when a counterstatement can no longer be effectively disseminated shall be punished with imprisonment of up to six months or a fine of up to 360 daily rates.

2) Anyone who uses a false or falsified document to make the false information appear credible shall be punished with imprisonment of up to three years.

§ 265

Bribery in an election or vote

1) Anyone who offers, promises, or grants remuneration to a person eligible to vote in order to influence their vote in a certain way, or to prevent them from voting or voting in a certain way, shall be punished with imprisonment for up to one year or a fine of up to 720 daily rates.

2) Similarly, a person eligible to vote shall be punished if they demand, accept, or allow themselves to be promised remuneration for voting in a certain way, or for not voting or not voting in a certain way.

§ 266

Falsification in an election or vote

1) Anyone who votes without being eligible to vote or otherwise votes unlawfully shall be punished with imprisonment for up to six months or a fine of up to 360 daily rates.

2) Anyone who falsifies the result of an election or vote shall be punished with imprisonment for up to three years.

§ 267

Prevention of an election or vote

Anyone who uses violence or dangerous threats to prevent or deliberately disrupt an election, a vote, or the determination or announcement of its results shall be punished with imprisonment of up to three years.

§ 268

Violation of the secrecy of elections or votes

Anyone who violates a provision designed to protect the secrecy of elections or votes with the intention of obtaining information for themselves or others about how someone has voted shall be punished with imprisonment for up to six months or a fine of up to 360 daily rates.

19. Section

Criminal offenses against state authority

§ 269

Resistance to state authority

1) Anyone who prevents an authority from performing an official act by force or by threatening to use force, or who prevents a public official from performing an official act by force or by dangerous threats, shall be punished with imprisonment for up to three years, or in the case of aggravated coercion (§ 106) with imprisonment for six months to five years.

2) Anyone who compels an authority to perform an official act by force or by threatening to use force, or who compels a public official to perform an official act by force or by dangerous threats, shall be punished in the same way.

3) An official act within the meaning of paragraphs 1 and 2 is only an act by which the public official, as an organ of the sovereign administration or jurisdiction, exercises command or coercive power.

4) The offender shall not be punished under paragraph 1 if the authority or public official is not authorized to perform the official act by its nature or if the official act violates criminal law provisions.

§ 270

Physical assault on a public official

1) Anyone who assaults a public official during an official act (§ 269 (3)) shall be punished with imprisonment of up to six months or a fine of up to 360 daily rates.

2) Section 269 (4) applies accordingly.

Section 271

Breach of attachment

1) Anyone who destroys, damages, defaces, renders unusable, or removes in whole or in part from seizure or confiscation any item that has been seized or confiscated by the authorities shall be punished with imprisonment for up to six months or a fine of up to 360 daily rates.

2) Section 269 (4) shall apply mutatis mutandis.

3) According to paragraph 1, anyone who voluntarily returns the item removed from seizure or confiscation before the authority (§ 151 (3)) becomes aware of their fault shall not be punished.

§ 272

Breaking of seals

1) Anyone who damages or removes a seal affixed by an official in the exercise of his or her duties in order to seal or seize or mark an item, and anyone who renders a seal affixed in this way wholly or partially ineffective, shall be punished with imprisonment for up to six months or a fine of up to 360 daily rates.

2) Section 269(4) applies accordingly.

3) According to paragraph 1, no punishment shall be imposed on anyone who, voluntarily and before the authority (§ 151 (3)) has become aware of their fault, causes the item to be placed back under lock and key or seized again without significantly impairing its purpose.

Section 273

Violation of official announcements

1) Anyone who destroys, damages, removes, alters, or renders the content of a document wholly or partially illegible, knowing (§ 5 (3)) that it has been publicly posted or displayed by an authority for the purpose of notification, thereby thwarting or impairing the purpose of the notification of this document, shall be punished with imprisonment of up to one year. damages, removes, alters, or renders the content of the document wholly or partially unrecognizable, thereby thwarting or impairing the purpose of the announcement of this document, shall be punished with imprisonment for up to six months or a fine of up to 360 daily rates.

2) Section 269 (4) shall apply *mutatis mutandis*.

3) According to paragraph 1, no penalty shall be imposed on anyone who, voluntarily and before the authority (§ 151 (3)) has become aware of their fault, ensures that the purpose of the disclosure is achieved without significant impairment.

20. Section

Criminal offenses against public peace

§ 274

Serious collective violence

1) Anyone who knowingly participates in a gathering of many people with the aim of using their combined forces to commit murder (§ 75), manslaughter (§ 76), bodily injury (§§ 84 to 87) or serious damage to property pursuant to § 126 (1) No. 5 or (2), shall be punished with imprisonment of up to two years if such an act of violence has been committed.

2) Anyone who participates in such a gathering in a leading role or by inciting others to commit one of the criminal acts listed in paragraph 1, or who, as a participant, carries out such a criminal act or contributes to its execution (§ 12), shall be punished with imprisonment of up to three years.

3) According to paragraph 1, anyone who voluntarily withdraws from the gathering or seriously attempts to withdraw before it has led to the use of violence shall not be punished, unless they have participated in the gathering in the manner described in paragraph 2.

§ 275

Compulsion to remain

Anyone who causes fear and unrest among the population or a large group of people by threatening to attack their life, health, physical integrity, freedom, or property shall be punished with imprisonment of up to three years.

§ 276

Spreading false, disturbing rumors

Anyone who deliberately spreads a rumor that they know (§ 5 (3)) to be false and that is likely to cause concern among a large group of people and thereby endanger public order shall be punished with imprisonment of up to six months or a fine of up to 360 daily rates.

§ 277

Criminal conspiracy

1) Anyone who conspires with another person to commit murder (§ 75), kidnapping for ransom (§ 102), surrender to a foreign power (§ 103), slave trade (§ 104), robbery (§ 142), a criminal act dangerous to the public pursuant to §§ 169, 171, 173, 176, 185, or 186, or cross-border prostitution (§ 217) shall be punished with imprisonment from six months to five years.

2) According to paragraph 1, anyone who voluntarily prevents the intended criminal act by notifying the authorities (Section 151 (3)) or the threatened person or by other means shall not be punished. If the criminal act does not take place without the perpetrator's involvement, he shall not be punished if he voluntarily and seriously endeavors to prevent the criminal act without being aware of it.

Section 278

Criminal association

1) Anyone who establishes a criminal organization or participates in such an organization as a member shall be punished with imprisonment of up to three years.

2) A criminal organization is a long-term association of more than two persons with the aim of one or more members of the organization committing one or more crimes, other significant acts of violence against life and limb, not just minor damage to property, theft or fraud, offenses under Sections 165, 177b, 233 to 239, 241a to 241c, 241e, 241f, 304 or 307, or other offenses referred to in § 278d (1).

3) A person is considered a member of a criminal organization if they commit a criminal offense within the scope of its criminal orientation or participate in its activities by providing information or assets or in any other way, knowing that they are thereby promoting the organization or its criminal activities.

4) If the association has not led to any criminal act of the planned nature, no member shall be punished if the association voluntarily dissolves itself or if its behavior otherwise indicates that it has voluntarily abandoned its plans. Furthermore, no punishment shall be imposed for criminal association on anyone who voluntarily withdraws from the association before an act of the planned nature has been carried out or attempted; or who has played a leading role in the association, but only if they voluntarily cause the danger arising from the association to be eliminated by notifying the authorities (§ 151 (3)) or by other means.

§ 278a

Criminal organization

Anyone who establishes a long-term, enterprise-like association of a large number of persons or participates in such an association as a member (§ 278 (3)) or provides financial support for it,

1. which, even if not exclusively, is aimed at the repeated and planned commission of serious criminal offenses that threaten life, physical integrity, liberty, or property, or serious criminal offenses in the area of sexual exploitation of persons, human trafficking, or the illegal trade in weapons, nuclear material and radioactive substances, hazardous waste, counterfeit money, or narcotics,
2. which thereby seeks to obtain large-scale enrichment or significant influence in politics or the economy and
3. which seeks to corrupt or intimidate others or to shield itself in a particular way from criminal prosecution,

shall be punished with imprisonment of one to ten years. Section 278 (4) shall apply accordingly.

§ 278b

Terrorist organization

- 1) Anyone who leads a terrorist organization (para. 3) shall be punished with imprisonment of five to fifteen years.
- 2) Anyone who participates as a member in a terrorist organization (Section 278 (3)) or provides financial support to such an organization shall be punished with imprisonment of between one and ten years.

3) A terrorist organization is a long-term association of more than two persons with the aim of one or more members of this organization committing one or more terrorist offenses (Section 278c) or engaging in terrorist financing (Section 278d).

Section 278c

Terrorist offenses

1) Terrorist offenses are

1. Murder (Section 75)

2. bodily injury pursuant to Sections 84 to 87,

3. kidnapping for ransom (§ 102),

4. aggravated coercion (Section 106),

5. dangerous threats under Section 107(2),

6. serious damage to property (Section 126), data corruption (Section 126a), and disruption of the functionality of a computer system (Section 126b), if this could pose a significant threat to the life of another person or to third-party property, or if it could affect many computer systems (Sections 126a (3), 126b para. 3) or essential components of critical infrastructure (§§ 126a para. 4 no. 2, 126b para. 4 no. 2) are affected,

7. intentional offenses endangering public safety (Sections 169, 171, 173, 175, 176, 177a, 177b, and 178, as well as Article 34 of the War Material Act) or intentional damage to the environment (Section 180),

8. air piracy (Section 185),

9. intentional endangerment of aviation safety (Section 186),

9a. Incitement to commit terrorist offenses and approval of terrorist offenses (Section 282a) or

10. an offense punishable under Art. 60 of the Weapons Act,

if the act is likely to cause serious or prolonged disruption to public life or serious damage to economic life, and is committed with the intent to seriously intimidate the population, coerce public authorities or an international organization into taking action, tolerance or omission, or to seriously undermine or destroy the political, constitutional, economic, or social foundations of a state or an international organization.

2) Anyone who commits a terrorist offense within the meaning of paragraph 1 shall be punished in accordance with the law applicable to the offense referred to therein, whereby the maximum penalty shall be increased by half, but not exceeding twenty years.

3) The act shall not be considered a terrorist offense if it is aimed at establishing or restoring democratic and constitutional conditions or exercising or safeguarding human rights.

§ 278d

Financing of terrorism

1) Anyone who provides or collects assets with the intention that they be used, even if only in part,

1. for the execution

a) air piracy (Section 185) or intentional endangerment of aviation safety (Section 186),

b) extortionate kidnapping (§ 102) or a threat thereof,

c) an attack on the life, limb, or liberty of a person protected under international law, or a violent attack on the home, office, or means of transport of such a person that is likely to endanger the life, limb, or liberty of that person, or a threat thereof,

d) intentional endangerment through nuclear energy or ionizing radiation (Section 171), a threat thereof, unauthorized handling of nuclear material or radioactive substances (Section 177b), any other criminal act to obtain nuclear material or radioactive substances, or a threat to commit theft or robbery of nuclear material or radioactive substances in order to coerce another person into committing an act, tolerate or omit an act.

e) a serious attack on the life or limb of another person at an airport serving international civil aviation, destruction or serious damage to such an airport or an aircraft located there, or disruption of airport services, provided that the act is committed using a weapon or other device and is likely to endanger safety at the airport,

f) a criminal act committed in the manner described in Sections 185 or 186 against a ship or a fixed platform, against a person on board a ship or on a fixed platform, against the cargo of a ship or a shipping facility,

g) the transportation of an explosive device or other lethal device to a public place, a government or public institution, a public transportation system or a utility facility, or the use of such means with the aim of causing the death or serious injury of another person or extensive destruction of the place, facility, or system, public transportation system, or utility, or the use of such means with the intent to cause death or serious bodily injury to another person or extensive destruction of the location, facility, or system, provided that the destruction is likely to cause particularly serious economic damage,

h) an act intended to cause the death or serious bodily injury of a civilian or other person not actively participating in hostilities in an armed conflict, when the purpose of the act, by its nature or context, is to intimidate a population or to compel a government or an international organization to do or refrain from doing something,

i) any other criminal offense under Section 278c (1), a criminal offense under Sections 278e, 278f, or 278g, or the recruitment of another person to commit a terrorist offense under Section 278c (1) nos. 1 to 9 or 10, or

2. by a person or an association (Section 278b (3)) who commits an act referred to in No. 1 or participates in such an association as a member (Section 278b (2)), shall be punished with imprisonment from one to ten years.

2) The offender shall not be punished under paragraph 1 if the act is punishable by a more severe penalty under another provision.

§ 278e

Training for terrorist purposes

1) Anyone who instructs another person in the manufacture or use of explosives, firearms or other weapons or harmful or dangerous substances, or in any other equally harmful or dangerous method or procedure specifically suitable for committing a terrorist offense under Section 278c (1) Nos. 1 to 9 or 10 for the purpose of committing such a terrorist offense shall be punished with imprisonment of one to ten years if they know that the skills taught are to be used for this purpose.

2) Anyone who, in the manufacture or use of explosives, firearms, or other weapons, or harmful or dangerous substances, or in any other

equally harmful or dangerous method or process specifically suitable for committing a terrorist offense under Section 278c (1) Nos. 1 to 9 or 10 in order to commit such a terrorist offense using the skills acquired shall be punished with imprisonment from six months to five years. However, the punishment shall not be more severe in nature and degree than that prescribed by law for the intended act.

§ 278f

Instruction on how to commit a terrorist offense

1) Anyone who, using the means specified in § 278e, instructs a media product which, according to its content, is intended to facilitate the commission of a terrorist offense (Section 278c (1) nos. 1 to 9 or 10) using the means specified in Section 278e, or who offers such information on the Internet in such a way or makes it accessible to another person in order to incite the commission of a terrorist offense, shall be punished with imprisonment of up to two years.

2) Anyone who obtains a media product within the meaning of paragraph 1 or such information from the Internet in order to commit a terrorist offense (Section 278c (1) nos. 1 to 9 or 10) shall also be punished.

Section 278g

Travel for terrorist purposes

Anyone who travels to another country to commit a criminal offense under Sections 278b, 278c, 278e, or 278f shall be punished with imprisonment of six months to five years. However, the punishment shall not be more severe in nature and degree than that prescribed by law for the intended offense.

§ 279

Armed associations

1) Anyone who, without authorization, establishes an armed association or an association intended for arming, or arms an existing association, acts as a leader in this association, recruits members for it, trains them militarily or otherwise for combat, or equips the association with weapons, means of transport, or communications equipment, or supports it with funds or in any other significant way shall be punished with imprisonment for up to three years.

2) According to paragraph 1, anyone who voluntarily, before the authority (§ 151 para.

3) learned of his guilt, voluntarily discloses to such an authority everything he knows about the connection and

its plans at a time when it is still secret.

§ 280

Accumulation of weapons

- 1) Anyone who acquires, possesses, or procures for another person weapons, ammunition, or other weapons of war in order to equip a large number of people for combat shall be punished with imprisonment for up to three years.
- 2) According to paragraph 1, anyone who voluntarily, before the authorities (§ 151 para.
- 3) has become aware of his fault, renders the explosive ordnance permanently unusable, hands it over to such an authority, or enables it to take possession of the explosive ordnance.

§ 281

Inciting disobedience to laws

Anyone who, in a printed work, on the radio, on television, or in any other way that makes it accessible to a broad public, incites general disobedience to a law shall be punished with imprisonment for up to one year.

§ 282

Inciting punishable acts and approving punishable acts

- 1) Anyone who, in a printed publication, on the radio, on television, or in any other manner accessible to the general public, incites others to commit a punishable act shall be punished with imprisonment of up to two years, unless they are involved in the act (§ 12) and are subject to a more severe punishment.
- 2) Anyone who, in the manner described in paragraph 1, approves of an intentional act punishable by imprisonment for more than one year in a manner likely to outrage the general sense of justice or incite others to commit such an act shall also be punished.

§ 282a

Inciting terrorist offenses and condoning terrorist offenses

- 1) Anyone who, in a printed publication, on the radio, on television, or in any other medium, or otherwise publicly in a manner that is accessible to many people, incites others to commit a terrorist offense (Section 278c (1) nos. 1 to 9 or 10) shall be punished with imprisonment of up to two years, unless they are subject to a more severe penalty as a participant in the act (Section 12).

2) Anyone who, in the manner described in paragraph 1, approves of a terrorist offense (Section 278c (1) nos. 1 to 9 or 10) in a way that is likely to cause the risk of one or more such offenses being committed shall also be punished.

Section 283

Discrimination

1) Anyone who

1. publicly incites hatred or discrimination against a person or group of persons on the basis of their race, language, nationality, ethnicity, religion or belief, gender, disability, age or sexual orientation,

2. publicly disseminates ideologies aimed at the systematic denigration or defamation of persons on the basis of their race, language, nationality, ethnicity, religion or worldview, gender, disability, age or sexual orientation,

3. organizes, promotes, or participates in propaganda campaigns with the same goal,

4. publicly disparages or discriminates against a person or group of persons on the basis of their race, language, nationality, ethnicity, religion or worldview, gender, disability, age or sexual orientation in a manner that violates human dignity, through words, writing, images, signs transmitted via electronic media, gestures, physical violence or in any other way,

5. publicly denies, grossly trivializes, or attempts to justify genocide or other crimes against humanity through words, writing, images, electronic media, gestures, physical violence, or other means;

6. refuses to provide a service intended for the general public to a person or group of persons on the basis of their race, language, nationality, ethnicity, religion or worldview, gender, disability, age or sexual orientation,

7. participates as a member in an association whose activity consists of promoting or inciting discrimination within the meaning of this provision.

2) Anyone who disseminates discriminatory (para. 1) writings, sound or image recordings, symbols transmitted via electronic media, illustrations, or other objects of this kind shall also be punished.

1. manufactures, imports, stores, or distributes for the purpose of further dissemination,
2. publicly promotes, exhibits, offers, or displays.
- 3) Paragraphs 1 and 2 shall not apply if the propaganda material or the act serves the purposes of art or science, research or teaching, proper reporting on current events or history, or similar purposes.

§ 284

Disruption of an assembly

Anyone who prevents or disrupts a meeting, march, or similar demonstration that is not prohibited by means of violence or threats of violence shall be punished with imprisonment for up to one year or a fine of up to 720 daily rates.

§ 285

Prevention or disruption of an assembly

Anyone who prevents or significantly disrupts a lawful assembly by

1. making the meeting room inaccessible,
2. preventing a person entitled to participate from entering or making it difficult for them to enter, or making it impossible or difficult for them to participate in the assembly by means of serious harassment,
3. enters the assembly without authorization, or
4. displaces a person appointed to manage or maintain order or physically resists one of their orders relating to the course of the assembly,

shall be punished with imprisonment for up to six months or a fine of up to 360 daily rates.

§ 286

Failure to prevent a punishable act

1) Anyone who, with the intention that a punishable act be committed intentionally, fails to prevent its imminent or already commenced execution or, in cases where notification would enable prevention, fails to notify the authorities (§ 151 (3)) or the person threatened, shall be punished with imprisonment of up to two years if the punishable act has at least been attempted and is punishable by imprisonment of more than one year. However, the punishment shall not be more severe in nature and degree than that prescribed by law for the act itself.

imprisonment of more than one year, shall be punished with imprisonment of up to two years. However, the punishment shall not be more severe in nature and degree than that prescribed by law for the act that was not prevented.

2) The offender shall not be punished under paragraph 1 if

1. could not have prevented or notified without exposing himself or a relative to the risk of considerable disadvantage,
2. has only become aware of the punishable act through a communication entrusted to him in his capacity as a pastor, or
3. by preventing or notifying, would violate another legally recognized duty of confidentiality and the consequences of violating this duty would have outweighed the adverse consequences of failing to prevent or disclose.

§ 287

Committing a punishable act while in a state of complete intoxication

1) Anyone who, even if only through negligence, puts themselves into a state of intoxication that excludes accountability through the consumption of alcohol or the use of another intoxicating substance shall be punished with imprisonment of up to three years if they commit an act while intoxicated that would be considered a crime or misdemeanor if they were not in this state. However, the punishment shall not be more severe in nature or degree than that prescribed by law for the act committed while intoxicated.

2) The offender shall only be prosecuted upon request, application, or with authorization if the punishable act committed while intoxicated is only prosecutable upon request, application, or with authorization.

21. Section

Criminal acts against the administration of justice

§ 288

False testimony in court

1) Anyone who, when appearing in court as a witness or, if not also a party to the proceedings, as a person providing information, makes a false statement during formal questioning on the matter, or who, as an expert witness, gives a false finding or opinion, shall be punished with imprisonment for up to three years.

2) Anyone who makes a false statement of evidence (paragraph 1) under oath in court or confirms it with an oath or otherwise swears falsely in court in accordance with the law shall be punished with imprisonment of six months to five years. An oath is equivalent to invoking a previously taken oath and, in the case of persons who are exempt from the obligation to take an oath, the affirmation provided for in lieu of the oath.

3) According to paragraph 1, anyone who, as a witness or expert, commits one of the acts mentioned therein in proceedings conducted by the state police in accordance with the Code of Criminal Procedure shall also be punished.

§ 289

False testimony before an administrative authority

Anyone who, as a witness before an administrative authority, gives false testimony during formal questioning on the matter or, as an expert witness, gives a false finding or opinion, shall be punished with imprisonment for up to one year or a fine of up to 720 daily rates.

§ 290

Compelled testimony

1) Anyone who makes a false statement of evidence (Sections 288, 289) in order to avert disgrace for themselves or a relative, shall not be punished if he was exempt from the obligation to testify or could have been exempted and if he

1. did not know that this was the case,
2. did not disclose the reason for the exemption in order to avert the consequences of the kind described that would have resulted from the disclosure, or
3. was wrongfully compelled to testify.

2) The status of a person as a relative established by marriage, registered partnership, or de facto cohabitation remains valid even if the marriage, registered partnership, or de facto cohabitation no longer exists.

3) However, the offender shall also be punished if the conditions of paragraph 1 are met if it can nevertheless be expected of him to testify truthfully, particularly in view of the disadvantage threatening another person as a result of the false testimony.

§ 291

Active repentance

The offender shall not be punished for an act punishable under §§ 288 or 289 if he corrects the false statement before the end of his interrogation.

§ 292

Inducing a false testimony

1) Anyone who, by deceiving another person about facts, induces that person to make an incorrect statement of evidence in court in good faith (Section 288) shall be punished with imprisonment of up to three years.

2) Anyone who, in the manner described in paragraph 1, causes someone to make an incorrect statement of evidence before an administrative authority in good faith (§ 289) shall be punished with imprisonment for up to one year or a fine of up to 720 daily rates.

§ 292a

False statement of assets

Anyone who signs a false or incomplete list of assets (Art. 29 of the Enforcement Code or Art. 59 of the Insolvency Code) before a court or bailiff and thereby jeopardizes the satisfaction of a creditor shall be punished with imprisonment of up to six months or a fine of up to 360 daily rates.

§ 292b

Active repentance

No penalty shall be imposed for false statements of assets (Section 292a) if the person voluntarily corrects the false information or supplements the incomplete information before the authority (Section 151 (3)) becomes aware of the error, provided that the satisfaction of a creditor has not already been thwarted or diminished.

§ 292c

Prohibited bidder agreements in executive auction proceedings

1) Anyone who, for themselves or a third party, demands, accepts, or allows themselves to be promised an advantage for agreeing not to appear as a bidder in an auction in enforcement proceedings, or to bid only up to a certain price or otherwise only according to a given standard, or not to bid at all, shall be punished with imprisonment of up to two years.

2) Anyone who, without being asked to do so, offers, promises, or grants an advantage to a fellow bidder for themselves or a third party in order to obtain a commitment within the meaning of paragraph 1 shall also be punished.

§ 293

Falsification of evidence

1) Anyone who produces false evidence or falsifies genuine evidence shall be punished with imprisonment for up to one year or a fine of up to 720 daily rates, unless the act is punishable under §§ 223, 224, 225, or 230.

2) Anyone who uses false or falsified evidence in judicial or administrative proceedings or in proceedings conducted by the state police in accordance with the Code of Criminal Procedure shall also be punished.

§ 294

Active repentance

1) No punishment shall be imposed for falsification of evidence (§ 293) on anyone who voluntarily refrains from or prevents the use of the false or falsified evidence in the proceedings or who removes the misleading alteration from the evidence before it is used in the proceedings.

2) If there is no risk of such use or if it has been eliminated without the perpetrator's involvement, the perpetrator shall not be punished if, unaware of this, he voluntarily and seriously endeavors to eliminate it.

§ 295

Suppression of evidence

Anyone who destroys, damages, or suppresses evidence that is intended for use in judicial or administrative proceedings or in preliminary proceedings under the Code of Criminal Procedure and over which he or she has no or not sole control shall, if he or she acts with the intent to prevent the evidence from being used in the proceedings, be punished with imprisonment for up to one year or a fine of up to 720 daily rates, unless the act is punishable under §§ 229 or 230.

§ 296

Active repentance

No punishment shall be imposed for suppression of evidence (Section 295) on anyone who voluntarily submits the evidence to the court, the administrative authority, or the state police (Section 9 StPO) at a time when it can still be taken into account in the decision or order to be made.

§ 297

False accusation

1) Anyone who exposes another person to the risk of official prosecution by falsely accusing them of an officially prosecutable offense punishable by law or of violating an official or professional duty shall, if they know (§ 5 (3)) that the suspicion is false, shall be punished with imprisonment of up to one year or a fine of up to 720 daily rates; if, however, the falsely alleged act is punishable by imprisonment of more than one year, the punishment shall be imprisonment of six months to five years.

2) According to paragraph 1, anyone who voluntarily eliminates the risk of official prosecution before an authority has taken any action to prosecute the suspect shall not be punished.

§ 298

Simulation of an act punishable by law

1) Anyone who knowingly pretends to commit a punishable act to an authority (Section 151 (3)) or an official responsible for receiving reports knowingly pretends to have committed a punishable act shall, unless punishable under Section 297 (1), be punished with imprisonment for up to six months or a fine of up to 360 daily rates.

2) According to paragraph 1, anyone who voluntarily ensures that the act does not result in an official investigation shall not be punished.

Section 299

Aiding and abetting

1) Anyone who deliberately prevents another person who has committed a punishable act from being prosecuted or from serving their sentence or preventive measure, either in whole or in part, shall be punished with imprisonment of up to two years or a fine of up to 360 daily rates.

2) Anyone who induces another person to aid and abet them shall not be punished under paragraph 1.

3) Furthermore, according to paragraph 1, anyone who commits the act with the intention of favoring a relative or preventing themselves from being punished or subjected to a preventive measure for participation

in the criminal offense for which the beneficiary is being prosecuted or for which a penalty or preventive measure is to be imposed on them.

4) Anyone who commits one of the acts punishable under paragraph 1 in order to avert disgrace or the risk of criminal prosecution or an immediate and significant financial disadvantage for themselves or a relative shall not be punished if the consequences that the act was intended to avert , even taking into account the dangerousness of the beneficiary and the seriousness of the act committed by the beneficiary or for which the beneficiary has been convicted, would have outweighed the adverse consequences that resulted or could have resulted from the act.

§ 300

Liberation of prisoners

1) Anyone who frees a prisoner who is being held on the basis of a decision or order by a court or administrative authority, incites them to escape, or assists them in doing so, shall be punished with imprisonment of up to two years, unless the perpetrator is punishable under §§ 195 or 299.

2) A prisoner who induces another person to free him or assist him in escaping shall not be punished under paragraph 1.

§ 301

Prohibited publication

1) Anyone who, contrary to a legal prohibition, publishes information about the content of proceedings before a court or administrative authority in which the public was excluded, in a printed work, on the radio, on television, or in any other way that makes the information accessible to a broad public, shall be punished with imprisonment for up to six months or a fine of up to 360 daily rates.

2) Anyone who publishes information in the manner described in paragraph 1 about deliberations in proceedings before a court or administrative authority, about such a vote or its result, and anyone who violates the duty of confidentiality imposed on them in such proceedings by the court or administrative authority on the basis of a statutory provision shall also be punished.

22. Section

Criminal breaches of official duty, corruption, and related criminal offenses

§ 302

Abuse of official authority

1) A public official who, with the intention of harming another person's rights, knowingly abuses his powers to perform official duties on behalf of the state, a municipal association, a municipality, or another public law entity as its organ in the execution of laws shall be punished with imprisonment from six months to five years.

2) Anyone who commits the act while performing official duties with a foreign power or a supranational or intergovernmental institution shall be punished with imprisonment from one to ten years.

§ 303

Negligent violation of personal freedom or domestic authority

A public official who, through gross negligence (§ 6 (3)), infringes upon the rights of another person by unlawfully restricting or depriving them of their personal liberty or by conducting an unlawful search of their home shall be punished with imprisonment of up to three months or a fine of up to 180 daily rates.

§ 304

Bribery

1) A public official or arbitrator who demands, accepts, or allows himself to be promised an advantage for himself or a third party for the performance or omission of an official act in breach of his duty shall be punished with imprisonment for up to three years. The same penalty shall apply to anyone who, as an expert appointed by a court or other authority for a specific proceeding, demands, accepts, or allows themselves to be promised an advantage for themselves or a third party for the submission of an incorrect finding or expert opinion.

2) Anyone who commits the offense in relation to a benefit exceeding CHF 5,000 shall be punished with imprisonment from six months to five years; anyone who commits the offense in relation to a benefit exceeding CHF 75,000 shall be punished with imprisonment from one to ten years.

§ 305

Acceptance of benefits

1) A public official or arbitrator who demands an advantage for themselves or a third party for the proper performance or omission of an official act

or accepts or allows himself to be promised an undue advantage (para. 3) shall be punished with imprisonment of up to two years.

2) Anyone who commits the offense in relation to a benefit exceeding CHF 5,000 shall be punished with imprisonment of up to three years; anyone who commits the offense in relation to a benefit exceeding CHF 75,000 shall be punished with imprisonment of six months to five years.

3) The following are not considered undue advantages

1. advantages whose acceptance is permitted by law or which are granted in the context of events in which there is an official or objectively justified interest in participating,

2. advantages for charitable purposes over whose use the public official or arbitrator has no decisive influence, and

3. in the absence of permissive standards within the meaning of paragraph 1, customary local or regional gifts of small value, unless the act is committed on a commercial basis.

§ 306

Acceptance of advantages to exert influence

1) A public official or arbitrator who, except in the cases referred to in §§ 304 and 305, with the intention of influencing his or her activities as a public official, demands an advantage for himself or herself or a third party, or accepts or allows himself or herself to be promised an undue advantage (§ 305 (3)), shall be punished with imprisonment of up to two years.

2) Anyone who commits the offense in relation to an advantage exceeding a value of 5,000 Swiss francs shall be punished with imprisonment of up to three years; anyone who commits the offense in relation to an advantage exceeding a value of 75,000 Swiss francs shall be punished with imprisonment of six months to five years.

3) Anyone who accepts or allows themselves to be promised only a minor advantage shall not be punished under paragraph 1, unless the act is committed on a commercial basis.

§ 306a

Repealed

§ 307

Bribery

1) Anyone who offers, promises, or grants an advantage to a public official or arbitrator for the improper performance or omission of an official act for themselves or a third party shall be punished with imprisonment of up to three years. Anyone who offers, promises, or grants an advantage to an expert (§ 304 (1)) for the purpose of obtaining an incorrect finding or opinion for himself or a third party shall also be punished.

2) Anyone who commits the offense in relation to a benefit exceeding CHF 5,000 shall be punished with imprisonment from six months to five years; anyone who commits the offense in relation to a benefit exceeding CHF 75,000 shall be punished with imprisonment from one to ten years.

§ 307a

Granting of benefits

1) Anyone who offers, promises, or grants an undue advantage (§ 305 para. 3) to a public official or arbitrator for the proper performance or omission of an official act for themselves or a third party shall be punished with imprisonment of up to two years.

2) Anyone who commits the offense in relation to an advantage exceeding a value of 5,000 Swiss francs shall be punished with imprisonment of up to three years; anyone who commits the offense in relation to an advantage exceeding a value of 75,000 Swiss francs shall be punished with imprisonment of six months to five years.

§ 307b

Granting of benefits to exert influence

1) Anyone who, except in the cases referred to in §§ 307 and 307a, offers, promises, or grants an undue advantage (§ 305 para. 3) to a public official or arbitrator for himself or a third party with the intention of influencing him in his activities as a public official shall be punished with imprisonment of up to two years.

2) Anyone who commits the offense in relation to an advantage exceeding CHF 5,000 shall be punished with imprisonment of up to three years; anyone who commits the offense in relation to an advantage exceeding CHF 75,000 shall be punished with imprisonment of six months to five years.

§ 308

Prohibited intervention

- 1) Anyone who demands, accepts, or allows themselves to be promised an advantage for themselves or a third party in return for exerting undue influence on the decision-making of a public official or arbitrator shall be punished with imprisonment of up to two years.
- 2) Anyone who offers, promises, or grants an advantage to another person in return for that person exerting undue influence on the decision-making of a public official or arbitrator shall be punished in the same way.
- 3) Anyone who commits the offense in relation to a benefit exceeding CHF 5,000 shall be punished with imprisonment of up to three years; anyone who commits the offense in relation to a benefit exceeding CHF 75,000 shall be punished with imprisonment of six months to five years.
- 4) Influencing the decision-making of a public official or arbitrator is improper if it is aimed at the improper performance or omission of an official act or if it involves offering, promising or granting an improper advantage (§ 305 (3)) to the public official or arbitrator or to a third party on their behalf.
- 5) The offender shall not be punished in accordance with the preceding paragraphs if the act is punishable by a more severe penalty under another provision.

§ 309

Bribery and corruption in business transactions

- 1) An employee or agent of a company who, in business transactions, demands, accepts, or allows himself to be promised an advantage for himself or a third party for the performance or omission of a legal act in breach of his duties shall be punished with imprisonment of up to two years.
- 2) Anyone who offers, promises, or grants an employee or agent of a company an advantage for themselves or a third party in return for the performance or omission of a legal act in breach of their duties in business transactions shall be punished in the same way.
- 3) Anyone who commits the offense in relation to an advantage exceeding a value of 5,000 Swiss francs shall be punished with imprisonment of up to three years; anyone who commits the offense in relation to an advantage exceeding a value of 75,000 Swiss francs shall be punished with imprisonment of six months to five years.

§ 310

Breach of official secrecy

1) A civil servant or former civil servant who discloses or exploits a secret entrusted to him or made accessible to him exclusively by virtue of his office, the disclosure or exploitation of which is likely to harm a public or legitimate private interest, shall be punished with imprisonment of up to three years, unless the act is punishable by a more severe penalty under another provision.

2) If the offender discloses an official secret relating to facts that threaten the constitution (Section 252 (3)), he shall only be punished under paragraph 1 if he acts with the intention of harming private interests or causing damage to the Principality of Liechtenstein. The mistaken assumption of facts that threaten the constitution does not exempt the offender from punishment.

§ 311

False certification and authentication in office

A public official who, in a public document falling within the scope of his office, falsely certifies a right, a legal relationship, or a fact, or who falsely affixes a public certification mark to an object, the affixing of which falls within the scope of his office, shall be punished with imprisonment for up to three years if he acts with the intent that the document be used in legal transactions as proof of the right, legal relationship, or fact, or that the object be used in legal transactions, shall be punished with imprisonment of up to three years, unless the act is punishable under § 302.

§ 312

Torture or neglect of a prisoner

1) A public official who inflicts physical or mental torture on a prisoner or other person in custody by official order who is subject to his authority or to whom he has official access shall be punished with imprisonment for up to two years.

2) Similarly, a public official who grossly neglects his or her duty of care or custody towards such a person and thereby, even if only through negligence, causes considerable damage to that person's health or physical or mental development shall be punished.

3) If the act results in grievous bodily harm (Section 84 (1)), the perpetrator shall be punished with imprisonment of up to three years; if it results in bodily harm with serious permanent consequences (Section 85), with imprisonment of up to five years; if it results in the death

of the injured party, the perpetrator shall be punished with imprisonment of one to ten years.

§ 312a

Torture

1) Any public official pursuant to Section 74 (1) No. 4a (a) a or b, at the instigation of such a public official or with the express or tacit consent of such a public official, inflicts severe physical or mental pain or suffering on another person, in particular in order to obtain a statement or confession from that person or a third party, to punish that person for an act actually or allegedly committed by that person or a third party, to intimidate or coerce them or a third party, or to inflict severe physical or mental pain or suffering for reasons of discrimination, shall be punished with imprisonment of between one and ten years.

2) If the act results in bodily injury with serious permanent consequences (§ 85), the perpetrator shall be punished with imprisonment of five to fifteen years; if the act results in the death of the victim, the perpetrator shall be punished with imprisonment of ten to twenty years or life imprisonment.

3) A public official within the meaning of this provision is also anyone who, in the absence or failure of state authorities, acts de facto as a public official.

§ 312b

Enforced disappearance of a person

Anyone who kidnaps a person on behalf of or with the approval of a state or political organization, or otherwise deprives them of their personal liberty and conceals the fate or whereabouts of the disappeared person, shall be punished with imprisonment of between one and ten years.

§ 313

Criminal acts committed by exploiting an official position

If an intentional act that is otherwise punishable is committed by a public official exploiting the opportunity afforded by his official position, the maximum term of imprisonment or fine may be exceeded by half. However, the term of imprisonment may not exceed twenty years.

23. Section

Usurpation of authority and obtaining an office by deception

§ 314

Usurpation of office

Anyone who usurps a public office or, without being authorized to do so, performs an act that may only be performed by virtue of a public office shall be punished with imprisonment for up to six months or a fine of up to 360 daily rates.

§ 315

Obtaining office by deception

Anyone who knowingly misleads an authority responsible for appointing persons to public office about a fact that would exclude them from holding a particular public office under a law or statutory instrument, thereby causing them to be appointed to that office, shall be punished with imprisonment for up to one year or a fine of up to 720 daily rates.

24. Section

Disruption of relations with foreign countries

§ 316

High treasonous attacks against a foreign state

1) Anyone who undertakes within the country (§ 242 (2)) to change the constitution of a foreign state by force or threat of force or to secede a territory belonging to a foreign state shall be punished with imprisonment from six months to five years.

2) Section 243 shall apply mutatis mutandis.

§ 317

Denigration of foreign symbols

Anyone who, in a manner that makes the act known to a broad public, maliciously disparages a flag or emblem of a foreign state or an intergovernmental organization that has been affixed by a domestic authority or by a representative of the foreign state or intergovernmental organization in accordance with the general rules of international law or intergovernmental agreements or which has been displayed by a domestic authority or a representative of the foreign state or intergovernmental organization in accordance with the general rules of international law or intergovernmental agreements, or who insults, disparages, or otherwise disparages the anthem of a foreign state performed at a public event, shall be punished with imprisonment for up to six months or a fine of up to 360 daily rates.

§ 318

Conditions for punishment

1) In the cases referred to in §§ 316 and 317, the offender shall only be prosecuted at the request of the government.

2) With regard to acts against an intergovernmental institution punishable under § 317, the perpetrator shall only be punished if the Principality of Liechtenstein is a member of that institution.

Section 319

Military intelligence service for a foreign state

Anyone who establishes or operates a military intelligence service in the country for a foreign power or a supranational or intergovernmental institution, or who supports such an intelligence service in any way, shall be punished with imprisonment of up to two years.

§ 320

Supporting a party in a foreign armed conflict

Anyone who knowingly, within the territory of Liechtenstein, during a war or armed conflict in which the Principality of Liechtenstein is not involved, or in the event of an imminent threat of such a war or conflict, provides support to one of the parties

1. equips or arms a military formation or a watercraft, land vehicle, or aircraft of one of the parties for participation in the warlike operations,
2. forms or maintains a volunteer corps or establishes or operates a recruitment office for this purpose or for military service for one of the parties,
3. exports or transports weapons from the country in violation of existing regulations,
4. grants a financial loan for military purposes or organizes a public collection, or
5. transmits military information or establishes or uses a communications facility for this purpose,

shall be punished with imprisonment for up to two years.

25. Section

Genocide, crimes against humanity, and war crimes

§ 321

Genocide

- 1) Anyone who, with the intent to destroy, in whole or in part, a particular group as such on account of its affiliation with a church or religious society, race, people, tribe, or state

, kills members of the group, inflicts serious bodily (§ 84 (1)) or mental harm on them, subjects the group to living conditions likely to cause the death of all or part of the group, imposing measures intended to prevent births within the group, or forcibly transferring children of the group to another group, shall be punished with life imprisonment.

2) Anyone who conspires with another person to jointly commit one of the criminal acts referred to in paragraph 1 shall be punished with imprisonment of between one and ten years.

§ 321a

Crimes against humanity

1) Anyone who, in the context of a widespread or systematic attack against a civilian population

1. kills a person (§ 75) or

2. with the intention of destroying a population in whole or in part, subjects that population or parts thereof to living conditions that are likely to bring about its destruction in whole or in part,

shall be punished with life imprisonment.

2) Anyone who commits slavery (§ 104) in the context of an attack as described in paragraph 1 shall be punished with imprisonment of ten to twenty years or life imprisonment; if the act results in the death of a person, the punishment shall be life imprisonment.

3) Anyone who, in the context of an attack as described in paragraph 1,

1. traffics in human beings (§ 104a)

2. expels the population from the territory in which it is lawfully residing or forcibly transfers it to another territory in violation of international law,

3. inflicts severe physical or mental pain or suffering on a person in his custody or otherwise under his control, unless such pain or suffering is caused solely by, is inherent in or is incidental to a lawful sanction,

4. rapes a person (Section 200) or sexually assaults them (Section 201), forces them into prostitution (Section 106(1)(3)), deprives them of their reproductive capacity (Section 85(1)), or, with the intention of influencing the ethnic composition of a population

or to commit other serious violations of international law, imprisons a woman who has been impregnated through the use of coercion, or

5. causes a person to disappear (§ 312b),

shall be punished with imprisonment of five to fifteen years; if the act results in the death of a person, with imprisonment of ten to twenty years or with life imprisonment.

4) Anyone who, in the context of an attack as described in paragraph 1

1. causes serious bodily injury (§ 84 (1)) to a person,

2. seriously deprives a person of their personal liberty in violation of international law, or

3. persecutes an identifiable group or community by depriving it of fundamental human rights or significantly restricting them on political, racial, national, ethnic, cultural, or religious grounds, on grounds of gender, or on other grounds recognized as impermissible under international law,

shall be punished with imprisonment for a term of one to ten years; if the act results in the death of a person or is committed with the intention of maintaining an institutionalized regime of systematic oppression and domination of one racial group by another, it shall be punished with imprisonment for a term of five to fifteen years.

§ 321b

War crimes against persons

1) Anyone who, in connection with an armed conflict, kills a person protected under international humanitarian law (§ 75) shall be punished with life imprisonment.

2) Anyone who, in connection with an armed conflict, takes hostage a person who is protected under international humanitarian law shall be punished with imprisonment of ten to twenty years; if the act results in the death of the victim, the punishment shall be imprisonment of ten to twenty years or life imprisonment.

3) Anyone who, in connection with an armed conflict

1. inflicts severe physical or mental pain or suffering on a person protected under international humanitarian law who is in his custody or otherwise under his control, unless such pain or suffering is

result solely from a lawful sanction, are part of or incidental to such a sanction, or
2. rapes (§ 200) or sexually assaults (§ 201) a person protected under international humanitarian law, forces them into prostitution (§ 106 (1) (3)), deprives them of their reproductive capacity (§ 85 no. 1) or, with the intention of influencing the ethnic composition of a population, imprisons a woman who has been impregnated through the use of coercion,

shall be punished with imprisonment of five to fifteen years, or, if the act results in the death of the victim, with imprisonment of ten to twenty years or life imprisonment.

4) Anyone who, in connection with an armed conflict

1. inflicts severe physical or mental suffering or serious bodily injury (§ 84 (1)) on a person protected under international humanitarian law,

2. conscripts persons under the age of 15 into armed forces or incorporates them into such forces, or conscripts persons under the age of 18 into armed groups or incorporates them into such groups, or uses persons under the age of 18 to participate actively in hostilities,

3. expels or forcibly transfers all or part of the civilian population or orders such expulsion or transfer, unless it is a temporary relocation necessary for the safety of the civilians concerned or for compelling military reasons,

4. imposes or enforces a severe penalty on a person protected under international humanitarian law without that person having been tried in an impartial and regular court offering the legal guarantees required by international law,

5. exposes a person protected under international humanitarian law who is in the power of another party to the conflict to the risk of death or serious injury to health by conducting experiments on that person, with that person's consent,

a) on such a person, which are neither medically necessary nor carried out in their interest,

b) removes tissue or organs from such a person for the purpose of transplantation, unless it is the removal of blood or skin for therapeutic purposes in accordance with generally accepted medical principles, to which the person has previously given their free and express consent, or

c) subjects such a person in any other way to a medical procedure that is not required by their state of health and that is not in accordance with generally accepted medical principles, or

6. treats a person protected under international humanitarian law in a seriously degrading or humiliating manner,

shall be punished with imprisonment of one to ten years; if the act results in the death of the victim, it shall be punished with imprisonment of five to fifteen years.

5) Anyone who, in connection with an international armed conflict

1. unlawfully abducts or detains a person protected under international humanitarian law (§ 99) or unjustifiably delays their repatriation,

2. as a member of an occupying power, transfers part of their own civilian population into the occupied territory or expels or transfers all or part of the population of the occupied territory within or out of that territory,

3. compels a person protected under international humanitarian law to serve in the armed forces of an enemy power (§ 105), or

4. compels a member of the opposing party (§ 105) to participate in acts of war against his own country,

shall be punished with imprisonment for a term of one to ten years.

6) Persons protected under international humanitarian law are protected persons within the meaning of the Geneva Conventions for the Protection of Victims of War, LGBL 1989 No. 18 to 21, and their Additional Protocols I and II (Additional Protocol to the Geneva Conventions on the Protection of Victims of International Armed Conflicts (Protocol I) including reservations, Declaration and Annexes, and Additional Protocol to the Geneva Conventions relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II) together with reservation, LGBL 1989 No. 62 and 63) in particular the wounded, sick, shipwrecked, members of the armed forces and combatants of the opposing party who have surrendered unconditionally or are otherwise out of

combat, prisoners of war and civilians, provided that the latter are not directly participating in hostilities.

§ 321c

War crimes against property and other rights

Anyone who, in connection with an armed conflict

1. or, without this being required by the necessities of the armed conflict, otherwise destroys, appropriates, or seizes property belonging to the opposing party or its members to a significant extent in violation of international law,
2. destroys or appropriates cultural property within the meaning of the Convention for the Protection of Cultural Property in the Event of Armed Conflict, LGBl. 1960 No. 17/1, on a large scale, or
3. orders, in violation of international law, that the rights and claims of all or part of the members of the opposing party be revoked or suspended or be unenforceable in court,

shall be punished with imprisonment of one to ten years.

§ 321d

War crimes against international missions and misuse of protective and nationality symbols

1) Anyone who, in connection with an armed conflict

1. an attack against persons, facilities, material, units, or vehicles involved in a humanitarian assistance mission or a peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection afforded to civilians or civilian objects under international humanitarian law, or
2. an attack against persons, buildings, material, medical units, or medical transport vehicles that, in accordance with international humanitarian law, bear the protective symbols of the Geneva Conventions for the protection of victims of war or their Additional Protocols I and II (Additional Protocol to the Geneva Conventions on the Protection of Victims of International Armed Conflicts (Protocol I) together with reservations, declarations and annexes, and Additional Protocol to the Geneva Conventions relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II) together with reservations) and the Additional Protocol to the Geneva Conventions on the Adoption of an Additional Distinctive Emblem (Protocol III), LGBl. 2007 No. 32,

shall be punished with imprisonment from one to ten years.

2) Anyone who, in connection with an armed conflict, misuses the protective emblem recognized by the Geneva Conventions for the Protection of Victims of War or Protocol III thereto, the flag of truce or the flag, military insignia or uniform of the enemy, neutral or other states not involved in the conflict, or of the United Nations, thereby causing serious injury to a person (Section 84 (1)), shall be punished with imprisonment of five to fifteen years; if the act results in the death of a person, the punishment shall be imprisonment of ten to twenty years.

§ 321e

War crimes involving the use of prohibited methods of warfare

1) Anyone who, in connection with an armed conflict

1. directs an attack against the civilian population as such or against individual civilians who are not directly participating in the hostilities,
2. an attack against civilian objects, including cultural property, as long as they are protected as such by international humanitarian law,
3. carries out an attack on undefended places or demilitarized zones,
4. uses cultural property under enhanced protection or its immediate surroundings to support military operations,
5. carries out an attack knowing (§ 5 para. 3) that the attack will cause the death or injury of civilians or damage to civilian objects to an extent which is disproportionate to the overall concrete and direct military advantage expected,
6. launches an attack against dams, dykes, and nuclear power plants, unless they are civilian objects within the meaning of paragraph 2, knowing that the attack will cause the death or injury of civilians or damage to civilian objects to an extent which is disproportionate to the overall concrete and immediate military advantage expected,
7. carries out an attack in the knowledge that the attack will cause widespread, long-term, and severe damage to the natural environment,
8. uses a person protected under international humanitarian law (Section 321b (6)) as a shield to deter the enemy from taking military action against certain targets,

9. uses starvation of civilians as a method of warfare by withholding items essential to their survival or by obstructing the delivery of aid in violation of international humanitarian law,

10. as a superior (§ 321g (2)), orders or declares to a subordinate who is under his actual command or control that no mercy will be shown, or

11. treacherously kills or wounds a member of the opposing armed forces or a combatant of the opposing party,

shall be punished in the cases of nos. 1 to 10 with imprisonment of one to ten years and in the case of no. 11 with imprisonment of five to fifteen years.

2) If an act under paragraph 1, items 1 to 10, results in serious injury (§ 84 (1)) to a person protected under international humanitarian law (Section 321b (6)), the perpetrator shall be punished with imprisonment of five to fifteen years; if it results in the death of such a person, the perpetrator shall be punished with imprisonment of ten to twenty years.

§ 321f

War crimes involving the use of prohibited means of warfare

1) Anyone who, in connection with an armed conflict

1. uses poison or poisoned weapons,

2. uses biological or chemical weapons, or

3. uses projectiles that easily expand or flatten in the human body, in particular projectiles with a hard jacket that does not completely enclose the core or is provided with incisions,

shall be punished with imprisonment from one to ten years.

2) If the act results in serious bodily injury to a person (Section 84 (1)), the perpetrator shall be punished with imprisonment from five to fifteen years; if it results in the death of a person or if the means used (paragraph 1) are intended and suitable for mass destruction, the perpetrator shall be punished with imprisonment from ten to twenty years.

§ 321g

Responsibility as a superior

1) Any superior (para. 2) who fails to prevent a subordinate who is subject to his or her actual command or leadership and control from committing an act under this section shall be punished as if he or she had committed the act committed by the subordinate.

2) Superiors are military or civilian superiors as well as persons who, without being military or civilian superiors, exercise actual authority and control in a military unit, a civilian organization, or a company.

§ 321h

Violation of the duty of supervision

1) A superior (§ 321g (2)) who fails to properly supervise a subordinate who is subject to his or her actual command or leadership authority and control shall be punished with imprisonment from six months to five years if the subordinate commits an act under this section which the superior was aware of and could have prevented.

2) Any superior (§ 321g (2)) who negligently commits an act punishable under paragraph 1 shall be punished with imprisonment of up to three years.

§ 321i

Failure to report a criminal offense

A superior (§ 321g (2)) who fails to immediately report an act committed by a subordinate under this section to the authorities responsible for investigating or prosecuting such acts shall be punished with imprisonment from six months to five years.

§ 321k

Acting on orders or other instructions

The perpetrator shall not be punished for an act under Sections 321b to 321i if he commits the act in execution of a military order or other instruction of comparable binding effect, provided that the perpetrator does not recognize that the order or instruction is unlawful and its unlawfulness is not obvious.

§ 321l

Crimes of aggression

1) Anyone who is actually in a position to control or direct the political or military actions of a state and initiates or carries out an act of aggression which, by its nature,

its severity, and its scope constitutes a manifest violation of the Charter of the United Nations, shall be punished with imprisonment for a term of ten to twenty years.

2) Anyone who plans or prepares such an act of aggression under the conditions specified in paragraph 1 shall be punished with imprisonment of five to ten years.

3) For the purposes of paragraph 1, "act of aggression" means the use of armed force by another state directed against the sovereignty, territorial integrity, or political independence of a state, or otherwise inconsistent with the Charter of the United Nations.

Final section

Section 322

Entry into force

This Act shall enter into force on January 1, 1989.

I. Code of Criminal Procedure (StPO)

of October 18, 1988

I hereby approve the following resolution passed by the state parliament:

I. Main section

General provisions

§ 1

1) Punishment for acts referred to the court for adjudication may only be imposed after prior criminal proceedings in accordance with the Code of Criminal Procedure and as a result of a judgment handed down by the competent judge.

2) The death of the accused terminates the criminal proceedings. In this case, any judgment that has not yet become final also becomes invalid. The legal provisions governing the conduct of an objective trial remain unaffected by this.

§ 2

1) Criminal proceedings shall only be instituted at the request of a prosecutor.

2) If a criminal offense can only be prosecuted at the request of the injured party or another involved party, the latter is entitled to bring a private prosecution. In the cases referred to in Section 117 (2) first and second sentences of the Liechtenstein Criminal Code (StGB), the injured party is also entitled to bring charges if the public prosecutor cannot prosecute the criminal offense because either the injured party irrevocably declares within the period specified in Section 31 (1) without prior request by the public prosecutor that they will not grant the necessary authorization, or one of the declarations required for authorization by the injured party and the authority superior to them is refused at the request of the public prosecutor; in the event of such a refusal or subsequent withdrawal of one of the declarations required for the authorization of the public prosecutor, the start of the period for bringing charges on behalf of the injured party shall be determined in accordance with Section 117 (2) last sentence of the Liechtenstein Criminal Code (StGB).

3) All criminal offenses not subject to private prosecution, including those requiring a motion or authorization for prosecution, are subject to public prosecution. Public prosecution is the responsibility of the public prosecutor, but may also be undertaken by a private party in accordance with §§ 32 and 173.

the public prosecutor, but may also be taken over by a private party in accordance with §§ 32 and 173.

4) If prosecution is only possible upon application, it cannot be initiated before the court has received proof of the application. The application may be withdrawn until the end of the hearing.

5) If the prosecution takes place only with the authorization of the injured party or another party involved, the public prosecutor or the state police must, if the authorization has not already been granted, immediately request that it be granted. The declaration to join the criminal proceedings as a private party involved is considered authorization. The authorization shall be deemed to have been refused if it is not granted within fourteen days of the request being served; in the case of public insult to the state parliament, the fourteen-day period shall be replaced by a period of six weeks, not including the period when the parliament is not in session. The authorization must relate to a specific person and must be proven to the court before the start of the final hearing. The authorization may be withdrawn until the end of the hearing.

6) The public prosecution shall expire as soon as the sovereign orders that no criminal proceedings be instituted for a criminal offense or that proceedings already instituted be discontinued.

§ 2a

It is unlawful to incite persons to commit, continue, or complete a criminal offense or to induce them to confess by means of secretly appointed persons.

§ 3

All authorities involved in criminal proceedings must give equal consideration to circumstances incriminating and exonerating the accused, and they are obliged to inform the accused of his rights even where this is not expressly prescribed.

§ 4

Civil law claims of the injured party shall be dealt with in the criminal proceedings at the request of the injured party, unless the necessity of further proceedings makes it essential to refer them to civil courts.

§ 5

Preliminary questions shall be assessed independently in criminal proceedings. However, decisions by competent authorities may be awaited if they can be expected in the foreseeable future. However, the criminal courts are bound by the legal effects of decisions by civil courts and other authorities.

§ 6

- 1) Unless expressly provided otherwise, the time limits specified in this Act may not be extended. If they are to run from a specific date, they shall be calculated in such a way that this date is not included. Time limits specified in hours shall be calculated from moment to moment.
- 2) The start and duration of a period are not affected by Sundays and equivalent days (Art. 1 FAHG). However, if the end of a period falls on such a day, the next working day is considered the last day of the period.
- 3) The days of postal delivery are not included in the deadline.
- 4) Unless otherwise specified, appeals, legal remedies, and all other submissions to the court, the public prosecutor's office, or the state police may be submitted in writing or recorded verbally. If they are subject to a deadline, they are also considered timely if they are submitted within this deadline to the authority responsible for deciding on them.

§ 7

- 1) If a fine imposed in accordance with the Code of Criminal Procedure proves to be wholly or partially unenforceable, the court shall, in cases worthy of consideration, reassess it, but otherwise convert it into a substitute imprisonment of up to eight days.
- 2) The provisions of the Prison Act on the enforcement of prison sentences not exceeding three months shall apply *mutatis mutandis* to the enforcement of these substitute prison sentences, as well as to the prison sentences and coercive detention threatened in the Code of Criminal Procedure.
- 3) All fines shall accrue to the state.

§ 8

- 1) The courts, the public prosecutor's office, and the state police are obliged to provide mutual assistance in performing their duties under this law and are entitled to call directly on the support of all state and local authorities. These authorities shall comply with such requests without

undue delay or immediately notify the obstacles preventing their fulfillment.

2) Requests pursuant to paragraph 1 relating to criminal offenses committed by a specific person may only be refused on the grounds of existing legal obligations of confidentiality or on the grounds that the data concerned is computer-processed personal data only if either these obligations are expressly imposed on the court as well, or if the response is contrary to overriding public interests, which must be specified and justified in detail.

3) The courts, the public prosecutor's office, and the state police are entitled to provide information on personal data obtained under this Act for the purposes of security administration, criminal justice, and monitoring the legality of the actions of the aforementioned bodies. The transfer of data to authorities other than the state police, the public prosecutor's office, and the court is only permissible if there is express legal authorization to do so.

4) If the request is refused or not fully or promptly complied with, the court, public prosecutor's office, or state police shall report this fact to the superior authority so that appropriate remedial measures can be taken. If this obligation is disregarded, the prosecuting authorities may not invoke the sluggishness of another authority as justification for the delay in proceedings. If, on the other hand, a request from the public prosecutor's office for administrative or legal assistance is not complied with or not fully complied with by a requested court, the High Court shall, at the request of the public prosecutor's office, decide without prior oral proceedings on the legality of the failure to provide administrative or legal assistance or on the other subject matter of the disagreement.

Ia. Main section

From the State Police

§ 9

1) The state police shall cooperate in the investigation and prosecution of criminal offenses in accordance with the provisions of this Act. It shall investigate ex officio or on the basis of a report; it shall comply with orders issued by the public prosecutor's office and the court.

- 2) The state police are authorized, in accordance with Art. 21 ff. of the Police Act, to use proportionate and appropriate force to enforce the orders of the public prosecutor's office or the court (Art. 20 of the Police Act) or to exercise the powers granted to them under this Act. In doing so, the state police is authorized, under the conditions and formalities provided for in each case, to use physical force against persons and property to the extent that this is essential for the investigation and less serious means are not suitable. An arrest warrant (§ 128 (1)) also entitles the police to search the home or other places protected by domestic authority for the person to be arrested, insofar as the arrest is to be carried out in these premises according to the content of the warrant.
- 3) To the extent and for as long as this is necessary for the implementation of a coercive measure or the taking of evidence, the state police is authorized, on its own initiative or on the basis of an order, to seal containers or premises by affixing a seal or to cordon off crime scenes in order to prevent unauthorized persons from entering.
- 4) If a person refuses to perform an act that they are legally obliged to perform, this behavior may be replaced directly by coercion in accordance with paragraph 2 or by a court decision. If this is not possible, the person may be compelled to fulfill their obligation by means of coercive measures, provided that they are not themselves suspected of a criminal offense or exempt from the obligation to testify by law. Coercive measures may only be used if they are proportionate to the seriousness of the offense, the degree of suspicion, and the desired outcome.
- 5) Coercive measures may include a fine of up to 10,000 Swiss francs and, in serious cases, imprisonment for up to six weeks. The court shall decide on the application and extent of coercive measures.
- 6) The use of direct coercion must be threatened and announced if the person concerned is present. This may only be waived if it would jeopardize the success of the investigation.

§ 10

- 1) The state police are obliged to investigate any suspicion of a publicly prosecutable offense that comes to their attention. To this end

purpose, the state police shall immediately conduct investigations to establish the facts and take the necessary measures to prevent the destruction of evidence or the escape of the suspect. The state police may only arrest persons and take other coercive measures without being requested to do so in the cases provided for in this Act. It shall report its orders and investigations to the public prosecutor or the investigating judge in accordance with § 11.

2) In order to fulfill its duties under paragraph 1, the state police is authorized to

1. receive reports and request information from persons;
2. to establish the identity of suspects and persons who may contribute to the clarification of the suspicion (§ 91a);
3. to subject persons who are strongly suspected of having committed a crime or offense to identification procedures (Art. 24a of the Police Act);
4. to question witnesses and suspects without taking an oath, whereby it must apply the provisions of Sections X to XII *mutatis mutandis*;
5. search premises and rooms, vehicles or containers that are not generally accessible and do not belong to the household (Section 92 (1)), as well as persons in accordance with Section 92 (2);
6. to carry out a house search in the cases specified in § 94;
7. have biological evidence from the scene of the crime or a non-invasively taken sample from persons (§ 95a (3) last sentence) examined;
8. Securing items in accordance with § 96a;
9. monitoring the behavior of a person in accordance with § 104a;
10. conduct a covert investigation (§ 104b).

3) Unless the state police are conducting a covert investigation, they must indicate their official position, unless this is obvious from the circumstances. They may receive communications or request information, provided that this is given voluntarily and not coerced. The provisions on the questioning of suspects and witnesses may not be circumvented in this way. The content of information and other circumstances obtained through such inquiries that may be relevant to the proceedings shall be recorded in an official note (§ 47 (2)).

4) A postponement of the investigations incumbent on the state police under this provision is permissible if

1. this promotes the investigation of a significantly more serious crime or the investigation of a person who played a leading role in the commission of the criminal offense, and the postponement does not pose a serious threat to the life, health, physical integrity, or freedom of third parties, or
2. otherwise a serious danger to the life, health, physical integrity, or freedom of a person would arise that cannot be averted by other means.
- 5) The state police shall immediately notify the public prosecutor's office of any postponement pursuant to paragraph 4.

§ 11

- 1) The state police must keep records of their investigations so that the reasons for, conduct, and results of these investigations can be traced. They must justify the use of coercion and powers that involve an infringement of rights, unless this justification is already apparent from the order issued by the public prosecutor's office or the court.
- 2) The state police must report to the public prosecutor's office in writing (para. 1) if and as soon as
 1. it becomes aware of a suspicion of a serious crime or other criminal offense of particular public interest (incident report),
 2. an order from the public prosecutor's office or the court is required or they request a report (incident report),
 3. it has completed its investigations in accordance with Sections 9 and 10, but in any case as soon as three months have elapsed in proceedings against a specific person since the first investigation against them without a report having been made, or three months have elapsed since the last report (interim report),
 4. it has completed all the investigations assigned to it or the facts and suspicion of an offense appear to have been clarified to such an extent that the public prosecutor's office can decide on indictment, withdrawal from prosecution, or discontinuation (final report).
- 3) A report pursuant to paragraph 2 shall contain, in particular, unless these circumstances have already been reported:
 1. the names of the accused or, if these are not known, the characteristics necessary for their identification or investigation, their financial circumstances, and the acts of which they are suspected and their legal designation,

2. the names of the complainants, the victims, and any other persons who may contribute to the investigation,
3. a summary of the facts and suggestions for further action,
4. any motions by the accused or other parties to the proceedings and statements by injured parties to join the criminal proceedings on the basis of private law claims.
- 4) With each report, all state police files necessary for assessing the factual and legal situation must be forwarded to the public prosecutor's office or the court, if this has not already been done.
- 5) The state police shall only grant access to files upon order of the court; otherwise, applications for access shall be dealt with in accordance with paragraph 2, item 2.

II. Main section

By the courts

§ 12

- 1) The following courts have jurisdiction in criminal matters:
 1. the regional court;
 2. the High Court;
 3. the Supreme Court.
- 2) Everyone is obliged to appear before the criminal court when summoned, to answer questions and to obey its orders.
- 3) Insofar as the following provisions governing the jurisdiction of criminal courts and the procedure to be followed are determined by the severity of the custodial sentence, consideration must be given to the changes in penalties introduced by Sections 39 and 313 of the Criminal Code. In the case of committing a punishable act while in a state of complete intoxication, the limitation of the penalty under Section 287 (1) last sentence StGB must be taken into account in this regard.

Section 13

The regional court is responsible for:

1. conducting the investigation;
2. conducting the final hearing and passing judgment on all criminal acts.

Section 14

In the distribution of business of the regional court, one or more single judges shall be appointed as investigating judges (§ 13 (1)).

§ 15

- 1) The regional court shall exercise its functions in accordance with § 13 (2) as a criminal court in a collegial composition or through single judges.
- 2) The final hearing and the passing of judgment shall be the responsibility of the criminal court:
 1. for all crimes within the meaning of Section 17 (1) of the Liechtenstein Criminal Code (StGB), in cases of burglary and theft pursuant to Section 129 (1) to (4) StGB and pornographic depictions of minors pursuant to Section 219 (1) StGB, but only if the penalty exceeds five years;
 2. for the following offenses:
 - a) subversive associations (Section 246 (3) StGB);
 - b) denigration of the state and its symbols (Section 248 StGB);
 - c) Disclosure of state secrets (Section 253 StGB);
 - d) secret intelligence service to the detriment of Liechtenstein (Section 256 StGB);
 - e) criminal acts in elections and referendums (Sections 261 to 268 StGB);
 - f) breach of the peace (Section 274 StGB);
 - g) Land compulsion (Section 275 StGB);
 - h) Armed associations (Section 279 StGB);
 - i) Accumulation of weapons (§ 280 StGB);
 - k) Incitement to commit punishable acts and approval of punishable acts (Section 282 StGB) as well as failure to prevent a punishable act (Section 286 StGB), if the act was committed in connection with one of the criminal offenses listed under letters a to i.
- 2a) If the defendant is charged with committing a criminal offense under §§ 200 to 206 StGB, the criminal court must include at least one judge of the same gender as the person who may have been violated in their gender sphere by the offense.
- 3) The final hearing and judgment shall be the responsibility of a single judge, unless the criminal court has jurisdiction within the meaning of paragraph 2.
- 4) If the accused is charged with several criminal offenses and the criminal court has jurisdiction over even one of them, it shall have jurisdiction to hear and decide on all criminal offenses.

However, the court responsible for hearing and deciding all criminal cases shall be free to issue orders within the meaning of § 67 (3).

5) If the single judge considers himself to be incompetent because the facts underlying the criminal complaint, either in themselves or in conjunction with the circumstances emerging in the final hearing, establish the jurisdiction of the criminal court, he shall declare his incompetence in a judgment. In this case, the prosecutor must file his motions within fourteen days of the judgment of lack of jurisdiction becoming final.

6) The provisions of the Juvenile Court Act remain reserved.

§ 16

The High Court shall decide on appeals and complaints against judgments and decisions of the Regional Court. As a court of first instance, the High Court shall only decide in exceptional cases in accordance with special statutory provisions.

§ 17

The Supreme Court shall rule on appeals and complaints against judgments and decisions of the High Court.

§ 18

In the event of disputes over jurisdiction between courts, the next higher court shall decide jointly, with the Supreme Court having the final say.

III. Main section

The Public Prosecutor's Office

§ 19

1) The tasks and organization of the public prosecutor's office shall be governed by the provisions of the Public Prosecutor's Office Act, unless this Act provides otherwise.

2) The public prosecutor is independent of the courts in the performance of his duties.

§ 20

1) The public prosecutor's sphere of activity includes participation in all proceedings regulated by this Act, in particular in all investigations and final hearings in criminal proceedings instituted for crimes, misdemeanors, and infractions.

2) The public prosecutor must ensure that all means of establishing the truth are properly used. He is authorized at any time to ascertain the status of pending investigations by inspecting the files or

request that they be communicated to him and to make the appropriate applications, without, however, delaying the criminal proceedings.

3) The public prosecutor shall make his motions orally or in writing, and each of them must be the subject of a judicial order or decision. In the same manner, he shall make statements on motions made by the accused or on inquiries made by the court.

4) The public prosecutor does not participate in the deliberations of the court.

5) He shall be authorized to communicate directly with the security and other authorities and to call upon their assistance.

§ 21

1) The public prosecutor's office shall investigate all criminal offenses that come to its attention and that are not merely to be investigated and punished at the request of a party involved, with the support of the state police, and shall prosecute those suspected of committing them in order to be able to take the necessary steps for investigation and punishment by the court.

2) However, if the accused is charged with several criminal offenses, the prosecutor may refrain from prosecuting individual offenses and withdraw from prosecution subject to subsequent prosecution (Section 281 (1) No. 3):

a) if this is not likely to have a significant impact on the penalties or protective measures, or on the legal consequences associated with the conviction;

b) if the accused is extradited to a foreign authority for the other criminal offenses and the penalties or protective measures to be expected in Switzerland are insignificant compared to those likely to be imposed abroad. If the public prosecutor later resumes the reserved prosecution, a renewed reservation for individual criminal offenses is inadmissible.

3) The public prosecutor may also refrain from or withdraw from prosecuting an offense committed abroad if the offender has already been punished for it abroad and it is unlikely that the domestic court will impose a more severe penalty.

4) The rights to which private parties are entitled under Sections 173 and 320 are not affected by the provisions of paragraphs 2 and 3. Therefore, the private parties must be notified if the public prosecutor makes use of one of the options for refraining from prosecution granted in paragraphs 2 and 3

. This notification is the responsibility of the public prosecutor, but if the case has been referred to the investigating judge, it is the responsibility of the latter.

5) Repealed

6) Repealed

§ 21a

1) To this end, the public prosecutor's office is also entitled to have preliminary investigations conducted by the state police or the investigating judge in order to obtain the necessary evidence for initiating criminal proceedings against a specific person (§ 22 (1)).

2) The investigating judge also has the rights and obligations in these preliminary investigations that he has in the investigation; the state police must proceed in accordance with the provisions of Part Ia.

3) The public prosecutor's office is authorized to have persons who may be able to provide information about criminal acts under investigation questioned by the state police. It may also question such persons itself without administering an oath, and may have the state police conduct visual inspections and house searches and be present during such inspections and searches, insofar as these official acts cannot be carried out or ordered by the competent investigating judge due to imminent danger.

4) However, the records of these proceedings, in which all formalities prescribed for judicial acts of this kind must be observed, may only be used as evidence if they have been communicated without delay to the investigating judge, who shall examine their form and completeness and, if necessary, arrange for them to be repeated or supplemented, failing which they shall be null and void.

§ 22

1) If, after examining the complaint or the final report (Section 11 (2) No. 4) and the results of any preliminary investigations ordered by it, the public prosecutor's office finds sufficient grounds to initiate criminal proceedings against a specific person, it shall either file a motion to initiate an investigation or an indictment. If not, it shall discontinue the preliminary investigations with a brief record of the considerations that led to this decision and notify the investigating judge, if he was involved in the preliminary investigations.

In this case, the investigating judge shall immediately release any accused persons who may have been arrested.

2) The public prosecutor's office must notify persons who have already been questioned as suspects in the criminal offense (Section 23 (3)) or who have otherwise become aware of the suspicion against them based on the contents of the files, as well as any victims and private parties, of the discontinuation of the preliminary investigations. IIIa. Main section

Withdrawal of prosecution after payment of a sum of money, after performance of community service, after a probationary period, and after out-of-court settlement (diversion)

I. General

§ 22a

1) The public prosecutor shall proceed in accordance with this main section and withdraw from the prosecution of a criminal offense if, on the basis of sufficiently clarified facts, it is established that a withdrawal of the complaint pursuant to § 22 is out of the question, but that punishment is not appropriate in view of

1. the payment of a sum of money (Section 22c) or
2. the performance of community service (Section 22d) or
3. the imposition of a probationary period, possibly in conjunction with probation assistance and the fulfillment of obligations (§ 22f) or
4. out-of-court settlement (§ 22g) does not appear appropriate in order to deter the suspect from committing criminal acts or to counteract the commission of criminal acts by others.

2) However, proceedings under this section are only permissible if

1. the criminal offense is a violation under Art. 21 of the Narcotics Act, Art. 35 para. 2 of the Animal Welfare Act, Art. 101 or 102 para. 1 to 3 of the Children and Youth Act, or Art. 54 of the Therapeutic Products Act, a misdemeanor or burglary under Section 129(1) to (4) of the Criminal Code, or a pornographic representation under Section 219(1) of the Criminal Code, provided that the penalty does not exceed five years,
2. the suspect's guilt is not considered to be serious, and
3. the act did not result in the death of a person.

3) Furthermore, proceedings under this main section are excluded in any case for the criminal acts of sexual assault (Section 201 of the Criminal Code) and desecration (Section 204 of the Criminal Code).

Section 22b

The court shall apply the provisions of this main section applicable to the public prosecutor *mutatis mutandis* and, after initiating the investigation or bringing charges, shall discontinue the proceedings for an offense prosecuted *ex officio* under the conditions applicable to the public prosecutor by order until the conclusion of the final hearing.

II. Withdrawal of prosecution after payment of a sum of money

§ 22c

1) Under the conditions set out in § 22a, the public prosecutor may withdraw from prosecuting a criminal offense if the suspect pays a sum of money to the state.

2) The sum of money may not exceed the amount corresponding to a fine of 180 daily rates or a fine of 20,000 francs plus the costs of the criminal proceedings to be reimbursed in the event of a conviction. It must be paid within four weeks of delivery of the notification pursuant to paragraph 4. However, if this would be unreasonably harsh on the suspect, he or she may be granted a deferral of payment for a maximum of six months or be allowed to pay in installments within this period.

3) Insofar as this is possible and appropriate, the withdrawal of the prosecution shall also be made conditional upon the suspect compensating for the damage caused by the offense within a period of no more than six months to be determined and providing proof of this without delay.

4) The public prosecutor must inform the suspect that criminal proceedings are intended to be brought against him for a specific criminal offense, but that this will not happen if he pays a specified amount of money and, if applicable, makes good the damage to a certain extent. Furthermore, the public prosecutor must inform the suspect of his rights under § 22k and of the possibility of deferring payment (para. 2), unless he offers such a deferral *ex officio*.

5) After payment of the sum of money and any compensation for damages, the public prosecutor must withdraw from the prosecution, unless the proceedings are to be subsequently initiated or continued in accordance with § 22h.

III. Withdrawal from prosecution after community service**§ 22d**

1) Under the conditions of § 22a, the public prosecutor may provisionally withdraw from the prosecution of a criminal offense if the suspect has expressly agreed to perform community service free of charge within a period of no more than six months to be determined.

2) Community service is intended to demonstrate the suspect's willingness to take responsibility for the offense. It must be performed during leisure time at a suitable institution, which must be agreed upon.

3) Where possible and appropriate, the withdrawal of prosecution after community service should also be made conditional on the suspect compensating for the damage caused by the offense within a specified period of no more than six months or otherwise contributing to the compensation for the consequences of the offense and providing immediate proof of this.

4) The public prosecutor must inform the suspect that criminal proceedings are intended to be brought against him for a specific criminal offense, but will be suspended for the time being if he agrees to perform community service of a specific type and extent within a specified period and, if necessary, to compensate for the offense. The public prosecutor must instruct the suspect in accordance with § 22k; he may also request a person experienced in social work to provide this information and instruction and to arrange for the community service (Art. 24c Probation Assistance Act). The institution (para. 2) must issue the suspect or the social worker with a confirmation of the services performed, which must be presented without delay.

5) After the community service has been performed and any consequences of the offense have been compensated for, the public prosecutor must definitively withdraw from the prosecution, unless the proceedings are to be subsequently initiated or continued in accordance with § 22h.

§ 22e

1) Community service may not exceed eight hours per day, 40 hours per week, or 240 hours in total; consideration must be given to the suspect's simultaneous education, training, or professional activities. Community service that would constitute an

unreasonable interference with the personal rights or lifestyle of the suspect are not permitted.

2) The office manager of the private association responsible for probation services shall maintain a list of institutions suitable for the provision of community service and shall add to this list as necessary. Anyone may inspect this list upon request.

3) If the suspect causes damage to the institution or its operator while performing services, § 1173a Art. 8 ABGB shall apply mutatis mutandis to his liability for compensation. If the suspect causes damage to a third party, the state shall also be liable for this in accordance with the provisions of civil law. In this case, the institution or its operator shall not be liable to the injured party.

4) The state shall only compensate for the damage in monetary terms. The state may demand reimbursement from the institution at which the charitable services were provided or from its sponsor if the latter or its organs are guilty of intent or gross negligence, in particular through neglect of supervision or instruction. Section 1173a Art. 8 ABGB shall apply mutatis mutandis to the relationship between the state and the suspect.

5) If the suspect suffers an accident or illness while performing community service, the provisions of Art. 62 ff. of the Prison Act shall apply mutatis mutandis.

IV. Withdrawal from prosecution after a probationary period

§ 22f

1) Under the conditions of § 22a, the public prosecutor may provisionally withdraw from the prosecution of a criminal offense for a probationary period of one to two years. The probationary period shall commence upon delivery of the notification of the provisional withdrawal from prosecution.

2) Insofar as this is possible and appropriate, provisional withdrawal from prosecution must also be made conditional upon the suspect expressly agreeing to fulfill certain obligations during the probationary period, which could be issued as instructions (§ 51 StGB), and to be supervised by a probation officer (§ 52 StGB). In particular, consideration should be given to the obligation to make amends for the damage caused to the best of one's ability or otherwise to contribute to compensating for the consequences of the offense.

3) The public prosecutor must inform the suspect that criminal proceedings against him for a specific criminal offense will be provisionally suspended for a specific probationary period and instruct him in accordance with Section 22k. If necessary, the public prosecutor must inform the suspect that this provisional withdrawal from prosecution is conditional upon him expressly agreeing to assume certain obligations and to be supervised by a probation officer (para. 2). In this case, the public prosecutor may also request a person experienced in social work to inform and instruct the suspect and to supervise him in the fulfillment of his obligations (Art. 24c Probation Assistance Act).

4) After the probationary period has expired and any obligations have been fulfilled, the public prosecutor must definitively withdraw from the prosecution, unless the proceedings are to be subsequently initiated or continued in accordance with § 22h.

V. Withdrawal from prosecution after out-of-court settlement

§ 22g

1) Under the conditions of § 22a, the public prosecutor may withdraw from prosecuting a criminal offense if the suspect is willing to take responsibility for the offense and address its causes, if he compensates for any consequences of the offense in a manner appropriate to the circumstances, in particular by making good the damage caused by the offense or otherwise contributing to compensating for the consequences of the offense, and if, where necessary, they enter into commitments demonstrating their willingness to refrain from behavior that led to the offense in the future.

2) The injured party shall be involved in efforts to reach an out-of-court settlement, provided they are willing to do so. The conclusion of a settlement is dependent on their consent, unless they refuse to give it for reasons that are not relevant to the criminal proceedings. Their legitimate interests must be taken into account in any case (§ 22i).

3) The public prosecutor may request a conflict mediator to inform the injured party and the suspect about the possibility of an out-of-court settlement in accordance with Sections 22i and 22k and to initiate and support efforts to reach such a settlement (Art. 24b Probation Assistance Act).

4) The conflict mediator must report to the public prosecutor on settlement agreements and verify their fulfillment. He must submit a final report

if the suspect has fulfilled his obligations at least to the extent that, taking into account his other behavior, it can be assumed that he will continue to comply with the agreements, or if it can no longer be expected that a settlement will be reached.

VI. Subsequent initiation or continuation of criminal proceedings

§ 22h

1) After a more than provisional withdrawal from the prosecution of the suspect under this main section (§§ 22c (5), 22d (5), 22f (4), and 22g (1)), the initiation or continuation of proceedings is only permissible under the conditions for ordinary reopening. Prior to such a withdrawal, criminal proceedings shall in any case be initiated or continued if the suspect so requests.

2) If the public prosecutor has proposed that the suspect pay a sum of money (Section 22c (4)), perform community service (Section 22d (4)), undergo a probationary period or undertake certain obligations (Section 22f (3)), or if the public prosecutor has provisionally withdrawn from prosecuting the criminal offense (§§ 22d (1), 22f (1)), he must initiate or continue the criminal proceedings if

1. the suspect does not pay or perform the monetary amount, including any compensation for damages, or the community service, including any compensation for the offense, in full or on time,
2. the suspect does not sufficiently fulfill the obligations assumed or persistently evades the influence of the probation officer, or
3. criminal proceedings are initiated against the suspect for another criminal offense before the sum of money, including any compensation for damages, has been paid or the community service, including any compensation for damages, has been performed, or before the probation period has expired. In this case, the subsequent initiation or continuation of the proceedings is permissible as soon as charges are brought against the suspect for the new or newly discovered criminal offense, and this within one month of the filing of these charges, even if the monetary amount has been paid, the community service has been performed, compensation for the consequences of the offense has been made, or the probationary period has expired. However, the subsequently initiated or continued criminal proceedings shall be discontinued in accordance with the other requirements if the new criminal proceedings are terminated in a manner other than by a conviction.

3) However, the initiation or continuation of proceedings may be waived if this appears justifiable for special reasons in the cases referred to in paragraph 2, point 1, or if, in the cases referred to in paragraph 2, points 2 and 3, it is not necessary in the circumstances to deter the suspect from committing criminal offenses. Furthermore, the initiation or continuation of proceedings in the cases referred to in paragraph 2 is only permissible if the suspect does not accept the proposal of the public prosecutor mentioned therein.

4) If the suspect is unable to pay the amount in full or on time, or to fulfill the obligations assumed in full or on time, because this would be unreasonably harsh on him due to a significant change in the circumstances relevant to the amount of money or the nature or scope of the obligations, the public prosecutor may adjust the amount of money or the obligation appropriately.

5) Commitments made by the suspect and payments to which he has agreed become invalid upon the subsequent initiation or continuation of proceedings. Probation assistance shall end; however, § 144b shall remain unaffected. Any payments made by the suspect in this connection shall be taken into account when determining the sentence. If the suspect is acquitted or otherwise released from prosecution, only sums of money paid in accordance with § 22c shall be refunded; other payments shall not be reimbursed.

VII. Rights and interests of the injured party

§ 22i

1) In proceedings under this main section, the interests of the injured party must always be examined and, insofar as they are justified, promoted to the greatest possible extent. In order to be able to assess whether compensation for damages or other compensation for the consequences of the offense is possible or appropriate, the public prosecutor must, if necessary, arrange for appropriate investigations to be carried out. The injured party has the right to consult a trusted person. In any case, they must be informed as soon as possible about their rights and about suitable counseling centers. Before withdrawing from prosecution, they must be heard, insofar as this appears necessary in accordance with their interests.

2) The injured party must be notified in any case if the suspect agrees to compensate for the damage caused by the offense or otherwise contribute to the consequences of the offense.

contribute to compensating for the consequences of the offense. The same applies in the event that the suspect assumes an obligation that directly affects the interests of the injured party.

VIII. Instruction of the suspect

§ 22k

1) When proceeding in accordance with this main section, the suspect must be thoroughly informed of his legal position, in particular of the conditions for withdrawal from prosecution under this main section, of the requirement for his consent, of his possibility to request the initiation or continuation of proceedings, and of other circumstances that may result in the initiation or continuation of proceedings (Section 22h (2)), as well as the necessity of a lump-sum contribution to costs (Section 305a).

2) Repealed

IX. Common provisions

Section 22l

1) In order to clarify the conditions for proceeding under this section, the public prosecutor or the court may request the head of the private association responsible for probation assistance to contact the injured party, the suspect, and, if necessary, the institution where community service is to be performed or training or a course is to be attended, and to comment on whether the payment of a sum of money, the performance of community service, the imposition of a probationary period, the assumption of certain obligations, supervision by a probation officer, or out-of-court settlement would be appropriate. For this purpose, the public prosecutor may also conduct investigations himself and hear the injured party, the suspect, and other persons.

2) The probationary period pursuant to Section 22f (1) and the deadlines for the payment of a sum of money, including any compensation for damages, and for the performance of community service, including any compensation for the consequences of the offense (Sections 22c (2) and (3), 22d (1) and (3)) are not included in the limitation period (§ 58 (3) StGB).

Section 22m

1) The public prosecutor may withdraw from the prosecution under this main section as long as he has not yet brought charges. He must then apply to the court to have the proceedings discontinued (Section 22b).

2) Court decisions under this main section shall be made by the investigating judge during the investigation and by the presiding judge in the final hearing

court, or otherwise by the presiding judge. Before the court serves a notice pursuant to Sections 22c (4), 22d (4), 22f (3) or a decision to discontinue the proceedings or refuse to initiate them, it must hear the public prosecutor. Such a decision shall only be served on the suspect once it has become final vis-à-vis the public prosecutor.

3) An appeal may be lodged against a decision to discontinue criminal proceedings under this main section or to refuse to initiate such proceedings (Sections 22c (5), 22d (1) and (5), 22f (1) and (4), 22g (1) in conjunction with § 22b), the public prosecutor may lodge an appeal with the higher court within 14 days of service, and the suspect and the public prosecutor may lodge an appeal with the higher court against a rejection of the application to discontinue criminal proceedings. As long as no decision has been made on such an appeal, a final hearing may not be held.

4) The suspect and the public prosecutor may lodge an appeal with the High Court within 14 days of service against a decision on the subsequent initiation or continuation of criminal proceedings (§ 22h). An appeal against the subsequent initiation or continuation of criminal proceedings has suspensive effect.

IV. Main section

The accused, their defense, and those involved in liability

I. Accused and defense counsel

Section 23

1) A person suspected of having committed a criminal offense may only be regarded as an accused person once charges or a criminal complaint have been brought against them or a request to initiate an investigation has been submitted. Until that point, they are to be regarded as a suspect.

2) The defendant is the person against whom a final hearing has been ordered for a felony or misdemeanor.

3) However, insofar as the provisions of this Act relating to the accused do not appear to be limited in nature to the investigation, they shall also apply to the defendant and to anyone who is questioned as a suspect in a criminal offense or summoned for questioning as such, or who is taken into custody or detention, or against whom coercion (§ 9 (4)) is exercised.

4) The accused must be notified as soon as preliminary investigations are conducted against him or her or the investigation against him or her has been initiated. The notification must contain the subject matter of the accusation and information about the essential rights in the proceedings. It may be postponed as long as it would jeopardize the purpose of the preliminary investigations or the investigation.

§ 23a

1) An accused person who is unable to communicate adequately in the language of the proceedings has the right to translation assistance. This shall be provided by the provision of an interpreter to the extent necessary in the interests of the administration of justice, in particular to safeguard the accused person's rights of defense. This applies in particular to the instruction on rights (§ 23 (4)), to the taking of evidence in which the accused participates, and to hearings. Upon request, the accused shall also be provided with translation assistance for contact with a defense counsel assigned to him or her or for the announcement of a motion, an order, or a court decision. Translation assistance shall only be provided to the accused for the inspection of files if he or she does not have a defense counsel and, for special reasons, cannot be expected to arrange for the translation of the relevant parts of the files that have been provided to him or her in copy form.

2) If the accused is deaf or mute, a sign language interpreter shall be called in, provided that the accused can communicate in sign language. Otherwise, an attempt shall be made to communicate with the accused in writing or by other appropriate means in which the accused can make himself understood.

§ 23b

1) The accused is entitled to request the public prosecutor's office to take evidence during the preliminary investigations. The request must specify the subject matter of the evidence, the means of evidence, and the information necessary for the taking of evidence. Unless this is obvious, reasons must be given as to why the means of evidence could be suitable for clarifying the subject matter of the evidence.

2) Inadmissible, unusable, and impossible evidence shall not be taken. Furthermore, evidence suggested by the accused may only be omitted if

1. the subject matter of the evidence is obvious or irrelevant to the assessment of the suspicion of the offense,

2. the evidence is not suitable for proving a significant fact, or
 3. the subject matter of the evidence can be considered proven.
- 3) Section 43 applies to the submission of motions in preliminary proceedings; the investigating judge may reserve the right to take evidence at the final hearing. This is not permissible if the result of the taking of evidence is likely to directly dispel the suspicion of an offense or if there is a risk of losing evidence of a significant fact. If the evidence is not taken, the court shall inform the accused of the relevant reasons.

Section 24

1) The accused may avail himself of a defense counsel during the preliminary investigations and in all criminal proceedings. The defense counsel shall advise and assist the accused. He shall be entitled and obliged to use every means of defense and to present without reservation everything that serves the defense of the accused, insofar as this does not conflict with the law, his mandate, or his conscience.

1a) Unless otherwise specified in this Act, the defense counsel shall exercise the procedural rights to which the accused is entitled. However, the accused may always make statements himself; in the event of conflicting statements, his statement shall prevail. Any waiver of the right to appeal against the judgment which the accused makes without the presence of his defense counsel and without consulting with him shall be without effect.

1b) If a lawyer acts as defense counsel, reference to the power of attorney granted to him shall replace documentary evidence thereof.

2) Any person with legal capacity may be appointed as a defense counsel, but in the cases specified in § 26 (3) and in appeal proceedings, only a lawyer who is registered in the list of lawyers or otherwise legally authorized or approved by the government to practice law in the Principality of Liechtenstein may be appointed.

3) In the case of a minor or a person for whom a guardian has been appointed, the legal representative may appoint a defense counsel even against their will.

§ 25

1) The following persons shall be excluded from the defense: persons against whom proceedings are pending for participation in the same offense or for aiding and abetting in relation to this offense

or who abuses contact with the detained accused to commit criminal offenses or to significantly endanger the security and order of a prison, in particular by unlawfully delivering or receiving objects or messages.

1a) The court shall rule on the exclusion of the defense upon request by the public prosecutor; prior to this, the court shall give the defense counsel the opportunity to comment. In all other respects, § 185 shall apply; in cases where defense is necessary, § 26 (3) shall be followed. The exclusion shall be lifted as soon as the conditions for it no longer apply.

2) The accused is also permitted to engage several defense counsel; however, this shall not result in an increase in the number of statements permitted for the accused in the final hearing or in the right to ask questions. In this case, service on the accused shall be deemed to have been effected as soon as service has been effected on even one of the defense counsel.

3) If there are several co-defendants charged with the same criminal offense who choose their own defense counsel, it is also up to them to decide whether several of them wish to be represented by a joint defense counsel.

§ 26

1) The accused shall be informed of their right to a defense counsel in the notification pursuant to § 23 (4), but no later than at the first interrogation.

2) If the accused (defendant) is unable to bear the entire costs of the defense without compromising the basic living expenses necessary for himself and his family, for whose maintenance he is responsible, the court shall, at the request of the accused (defendant), decide that a defense counsel shall be appointed to him, the costs of which the accused (defendant) shall not bear or shall bear only in part, if and to the extent that this is necessary in the interests of the administration of justice, in particular in the interests of an effective defense (legal aid defense counsel); If possible, the application shall be accompanied by a statement of assets in accordance with § 66 (1) to (3) ZPO. The appointment of a defense counsel is necessary in this sense in any case:

1. to execute registered appeals and for the court date for the public hearing on the appeal,
2. to raise an objection to the indictment,

3. if the accused (defendant) is blind, deaf, mute, otherwise disabled, or does not have sufficient knowledge of the language of the court and is therefore unable to defend himself,

4. in difficult factual or legal situations.

If a legal aid defense attorney is appointed for the final hearing or appeal, their appointment also applies to the appeal proceedings, unless the court orders otherwise in individual cases.

3) For the duration of pre-trial detention and for the final hearing before the criminal court, the accused (defendant) requires a defense attorney. If neither the accused (defendant) himself nor his legal representative chooses a defense counsel for him in such cases, and if he is not assigned a legal aid defense counsel pursuant to paragraph 2, a defense counsel shall be assigned ex officio, in the case of detention at the latest before the first detention hearing, the costs of which shall be borne by the defendant (public defender), unless the conditions for the appointment of a legal aid defense counsel pursuant to paragraph 2 are met. The last sentence of paragraph 2 shall apply mutatis mutandis.

4) Paragraphs 1 to 3 and §§ 26a to 26g of this Act and 63 (2) ZPO shall apply mutatis mutandis to legal entities.

5) The accused (defendant) and the public prosecutor may appeal against decisions pursuant to §§ 26 to 29 to the High Court within 14 days of service; the High Court shall decide finally and without further appeal.

§ 26a

1) When appointing a legal aid defense attorney, the court shall determine the installments to be paid during the proceedings for the costs of the legal aid defense attorney, provided that the necessary maintenance (§ 26 (2)) is not affected.

2) The court shall withdraw legal aid ex officio in full if the accused (defendant) is more than three months in arrears with the payment of an installment.

3) The court shall adjust the installments to be paid if the financial, income, or family circumstances of the accused (defendant) that are relevant for legal aid have changed significantly. Installment payments may be waived if they are no longer necessary to cover the costs of the legal aid defense counsel pursuant to § 26f or for other reasons.

§ 26b

If the financial or income circumstances of the accused (defendant) change significantly, including due to a change in family circumstances, they must notify the court immediately by means of a declaration of assets within the meaning of § 66 (1) ZPO.

Section 26c

1) The court shall, at any time, either ex officio or upon request—including by the appointed defense counsel—declare the appointment of the legal aid defense counsel to be wholly or partially terminated if the requirements under Section 26(2) no longer apply. In this case, however, the procedural position of the accused (defendant) must not be jeopardized.

2) The court shall, at any time, either ex officio or upon request—including that of the appointed defense counsel—withdraw the appointment of the legal aid defense counsel in whole or in part if it transpires that the conditions accepted at the time were not met. In this case, the accused (defendant) shall reimburse the costs of the legal aid defense counsel that he or she was not required to bear and, upon request, pay the remaining remuneration of the lawyer assigned to him or her for legal aid in accordance with the tariff.

§ 26d

If no preliminary court proceedings have been conducted and no criminal proceedings have been initiated, the suspect must notify the court of the outcome of the proceedings and the costs awarded under § 306 (1) within four weeks of the conclusion of the proceedings.

§ 26e

After the proceedings have been concluded, the accused (defendant) must be informed of the extent to which the costs of the legal aid defense counsel, which he did not have to bear, remain unpaid. Upon delivery of this notification, the accused (defendant) is obliged to submit a statement of assets within the meaning of § 66 (1) ZPO to the court annually for a period of ten years without being requested to do so, otherwise it will be irrefutably presumed that the accused (defendant) is able to make the additional payment (§ 26f) without compromising the necessary maintenance. The accused (defendant) must be informed of this consequence of default.

§ 26f

1) The accused (defendant) shall be required, by order, to pay in full or in part the costs of the legal aid defense counsel, which he was not required to bear, and also, upon request, to pay the remaining remuneration of the lawyer assigned to him for legal aid in accordance with the tariff, insofar as and as soon as he is able to do so without compromising his necessary maintenance. After ten years have elapsed since the end of the proceedings, the obligation to make additional payments can no longer be imposed.

2) In the decision on the additional payment, the defendant shall first be required to reimburse the costs of the legal aid defense counsel which he did not have to bear, and then to pay the remaining remuneration of the lawyer assigned to him as legal aid defense counsel, with the amount being determined at the same time. This decision shall only be enforceable after it has become final.

3) The president of the regional court may declare the amounts to be paid retrospectively pursuant to paragraph 1 to be irrecoverable if the expense necessary for the retrospective payment is disproportionate to the amounts or if other disproportionate obstacles stand in the way.

§ 26g

The court shall impose a penalty for wilful misconduct of up to CHF 25,000 on any person who, by providing incorrect or incomplete information, fraudulently obtains the appointment of a legal aid defense counsel or exemption from the obligation to pay in installments or make additional payments. Anyone against whom such a penalty for wilful misconduct has been imposed shall also be liable to pay double the court fees, subject to the defendant's obligation to make additional payments.

§ 27

1) The court shall appoint a lawyer as defense counsel. Unless a lawyer must be appointed as defense counsel, the court may appoint a trainee lawyer as defense counsel. If the court has decided to appoint a lawyer, it shall notify the board of the Liechtenstein Bar Association so that the latter may appoint a lawyer as defense counsel.

2) Several defendants may be assigned a joint defense counsel, unless there is a conflict of interest or

one of the accused persons or the defense counsel requests separate representation.

§ 28

1) If the accused (defendant) requests the appointment of a defense counsel within the time limit available for the execution of an appeal or for any other procedural action, or if a defense counsel is appointed to him before the expiry of this time limit (§ 26 (2) and (3)), this period shall recommence upon delivery of the decision on the appointment of defense counsel and of the file document to the defense counsel, which would otherwise trigger the period, or upon delivery of the decision legally rejecting the application to the accused.

2) If a deadline has been triggered by a delivery to the defense counsel, its course shall not be interrupted or suspended by the defense counsel's power of attorney being returned or terminated. In this case, the defense counsel shall continue to protect the interests of the accused (defendant) and, if necessary, take the necessary procedural steps within the time limit, unless the accused (defendant) has expressly prohibited him from doing so.

§ 29

1) Once appointed, the defense counsel does not require any special power of attorney to perform individual procedural acts, not even to file a motion for the reopening of criminal proceedings.

2) The accused may transfer the defense from the defense counsel chosen by him to another at any time. The mandate of the defense counsel appointed ex officio shall also expire as soon as the accused appoints another defense counsel. However, in such cases, the change in the person of the defense counsel shall not delay the proceedings.

§ 30

1) Even during the investigation, the accused may use a defense counsel to exercise his rights in relation to court files that directly concern the determination of the facts of the case and do not allow for subsequent repetition, as well as to execute certain legal remedies that he has registered.

2) Upon request, the investigating judge shall allow the accused to inspect the criminal files, with the exception of the consultation records, in the court offices or, in the case of detention, in the offices of the state prison, and to make copies of them; the investigating judge may also provide the accused with photocopies instead; however, this right does not apply

does not apply to audio and video recordings and is not available to the accused if it is exercised by a defense attorney (§ 24 (1a)). The right to inspect files also entitles the accused to examine evidence, provided that this is possible without prejudice to the investigation. Insofar as the

If there is a risk as referred to in Section 119a, it is permissible to exclude personal data or circumstances that allow conclusions to be drawn about the highly personal circumstances of the person at risk from the inspection of files and to provide copies in which these circumstances have been redacted. Until the indictment is notified, the investigating judge may exclude individual documents from inspection and copying if there is justified concern that immediate access to these documents could impede the investigation. Upon request, the accused shall be provided with free copies (photocopies or other reproductions of the file contents) of the inspection reports, the findings and expert opinions of experts, authorities, offices, and institutions, as well as the original documents that are the subject of the criminal offense. If the accused is in custody, he shall also be provided, upon request, with those documents that may be relevant to the assessment of the suspected offense or the grounds for custody. The defense counsel shall also be provided with a copy of the arrest warrant and all court decisions against which the accused has a right of appeal.

2a) Simple information may also be provided verbally. The above provisions on access to files shall apply *mutatis mutandis*.

3) The arrested suspect may consult with his defense counsel without being monitored. However, if the suspect is in custody due to the risk of collusion (Section 131 (2) No. 2) or the risk of committing further offenses (Section 131 (2) No. 3 (c) d) and there are special, serious circumstances that give rise to concerns that contact with the defense attorney could jeopardize the purposes of detention, compromise important evidence, or endanger life and limb or other vital interests, the investigating judge may order, by reasoned decision, that the meeting with the defense counsel be conducted in the presence of the investigating judge or a person appointed by him

and be monitored by that person. Such monitoring is only permissible for a maximum period of one month from the imposition of pre-trial detention, but no longer than until the indictment is brought.

4) The investigating judge may only monitor the correspondence and telephone conversations of the arrested accused with his defense counsel under the conditions and circumstances specified in paragraph 3.

§ 30a

The accused and his defense counsel are entitled to use information obtained during the proceedings in closed hearings or in the course of closed evidence-taking or through access to files in the interests of the defense and other overriding interests. However, they are prohibited from publishing such information in the media or in any other way if it contains personal data of other parties involved in the proceedings or third parties and has not been presented in a public hearing or otherwise become publicly known, insofar as this would violate the confidentiality interests of other parties involved in the proceedings or third parties that are worthy of protection and outweigh the public interest in disclosure., if this would violate the confidentiality interests of other parties to the proceedings or third parties that are worthy of protection and outweigh the public interest in information.

§ 30b

If the accused is remanded in custody, the public prosecutor and the defense counsel shall be provided with copies (photocopies) of all documents that may be relevant to the assessment of the suspicion of an offense or the grounds for detention. The public prosecutor and the defense counsel may request that such copies also be sent to them at a later date. Any restriction on access to files with regard to documents that may be relevant to the assessment of the suspected offense or the grounds for detention is inadmissible from the time remand in custody is imposed. Otherwise, §§ 30 (2) and 30a remain unaffected.

II. Liability participants

Section 30c

Persons liable are persons who are liable for fines or monetary penalties, or who, without being charged themselves, are threatened with forfeiture, extended forfeiture, or confiscation of property, or who assert a claim of ownership to property

property threatened with confiscation. They have the rights of the defendant in the final hearing and in the appeal proceedings, insofar as the decision on these property orders is concerned.

V. Main section

The private prosecutor, the victim, and the private party

§ 31

1) A person entitled to bring a private prosecution must, within six weeks of the day on which they became aware of the criminal act and the person sufficiently suspected of having committed it, file a request for prosecution against that person, otherwise they will lose their right to prosecute. This request may also be directed at the initiation of an investigation or the punishment of the perpetrator and must be made orally or in writing to the criminal court. The injured party or other parties involved are no longer entitled to intervene as private prosecutors if they have expressly forgiven the criminal offense. Sections 66 and 67 remain unaffected.

2) During the investigation, the private prosecutor is entitled to provide the court with anything that may support his accusation, to inspect the files, and to take all steps to assert his accusation that the public prosecutor would otherwise be entitled to take. However, if he has withdrawn his complaint, he cannot be granted a retrial.

3) If the private prosecutor has failed to file the indictment or other motions necessary to maintain the prosecution within the statutory period, has failed to appear at the final hearing, or has failed to make closing arguments at the final hearing, he shall be deemed to have withdrawn from the prosecution. The private prosecutor shall be advised of this consequence in each case.

§ 31a

1) Victims (Art. 1 OHG) have the right, regardless of their status as private parties, to

1. be represented (§ 34),
2. inspect the files (§ 32 (2) No. 2),
3. be informed of the subject matter of the proceedings and their essential rights before being questioned,

4. be notified of the progress of the proceedings (Sections 22i, 65(1), 141(7)),
 5. To receive translation assistance, to which § 23a applies mutatis mutandis,
 6. to participate in an adversarial examination of witnesses (Section 115a) and accused persons (Section 147 (3)) and in a reconstruction of the crime (Section 69 (2)),
 7. to be present during the final hearing and to question defendants, witnesses, and experts, as well as to be heard regarding their claims.
- 2) Victims are entitled, in accordance with Articles 12 to 14 of the Victim Assistance Act, to be advised and supported by the victim assistance center, to be accompanied to hearings in the investigation proceedings and the final hearing, and to be represented in the exercise of their rights under this Act.

§ 31b

- 1) All authorities involved in criminal proceedings are obliged to inform victims and private parties of their rights in criminal proceedings. This may only be withheld if it would jeopardize the purpose of the investigation.
- 2) Victims must be informed of the conditions for receiving assistance from the victim support service at the latest before their first interview.
- 3) Victims who may have been sexually assaulted must also be informed of their rights at the latest before their first interview:
 1. to request, where possible, to be interviewed by a person of the same sex during the investigation proceedings
 2. to request that interpreting services (Section 31a (1) No. 5) during questioning of the victim be provided by a person of the same sex, if possible,
 3. to refuse to answer questions about circumstances relating to their highly personal life or about details of the offense which they consider unreasonable to describe (Section 108 (2) No. 2),
 4. to request that they be questioned in a sensitive manner during the investigation and in the final hearing (Sections 115a, 197 (3)),
 5. to request that the final hearing be closed to the public (Section 181a (2)).

§ 31c

- 1) All authorities involved in criminal proceedings must take into account the legitimate interests of the

Injured parties must be respected in terms of protecting their personal privacy. This applies in particular to the disclosure of photographs and personal details that could lead to the identity of the injured party becoming known to a wider circle of people, without this being necessary for the purposes of the criminal proceedings.

2) The prohibition on publication under Section 30a applies *mutatis mutandis* to private prosecutors, private parties, and injured parties.

Section 32

1) Any person whose rights have been violated by a crime or an offense prosecuted *ex officio* may, until the start of the final hearing, declare that they wish to join the criminal proceedings as a private party in order to assert their civil law claims. The declaration may be withdrawn at any time. Unless this is obvious, the entitlement to participate in the proceedings and the claims for damages or compensation must be substantiated. The court shall reject the declaration if it is manifestly unjustified or has been submitted late.

2) The private party has the following rights:

1. He may provide the public prosecutor and the investigating judge with anything that may be useful for the conviction of the accused or for substantiating the claim for compensation and may request the admission of evidence (§ 23b).

2. He may inspect the files insofar as his interests are affected, even during the investigation, unless there are special reasons to the contrary. Inspection of the files may be refused or restricted in any case if it would jeopardize the purpose of the investigation or an unbiased testimony as a witness.

3. The private party shall be summoned to the final hearing with the proviso that, if he fails to appear, the hearing will nevertheless proceed and his motions will be read from the files. He may ask questions of the defendant, witnesses, and experts or make other comments and may be given the floor during the hearing. At the end of the hearing, immediately after the prosecutor has made and substantiated his closing statement, the private party is given the floor to explain and substantiate his claims and to make those motions on which he wishes to have a say in the main decision.

final submissions and reasons, the private party shall be given the floor to explain and justify his claims and to make those submissions on which he wishes to have a say in the main decision.

3) Private parties shall be assigned a legal representative if and to the extent that this is necessary in the interests of the administration of justice, in particular in the interests of the appropriate enforcement of their claims in order to avoid subsequent civil proceedings. The provisions on legal aid under this Act shall apply *mutatis mutandis*.

3a) If the public prosecutor withdraws from the prosecution in accordance with Part IIIa, the private party is not entitled to bring or take over the public prosecution.

4) In addition, the private party is entitled, in accordance with § 173, to bring a public indictment as a subsidiary prosecutor instead of the public prosecutor, but the public prosecutor is free to resume prosecution at any time in this case as well; the subsidiary prosecutor then regains the rights of the private party.

§ 32a

1) The private party may assert a claim against the accused arising from the criminal offense and aimed at performance, determination, or legal arrangement. However, the validity of a marriage or registered partnership can only ever be assessed as a preliminary question (§ 5) in criminal proceedings (§ 262).

2) During the final hearing, the court must record any settlement of private law claims in the minutes. It may also summon the private parties and the accused to attempt a settlement, either upon request or *ex officio*, and submit a proposal for a settlement. If a settlement is reached, copies of the settlement must be provided to the private parties, the public prosecutor's office, and the accused.

3) In the event of seizure or confiscation, the court shall arrange for the return of the item to the entitled party if seizure is not necessary for evidentiary reasons and the rights of third parties are not thereby infringed.

§ 33

If a court decision affirms the requirements of § 42 StGB, the private party shall not have a subsidiary right of prosecution.

§ 34

1) The private prosecutor, the private party, the victim, and the liable party, as well as their legal representatives, may conduct their case themselves or through an authorized representative. Unless otherwise specified in this Act, such representatives shall exercise the procedural rights to which the persons they represent are entitled. A person authorized to practice law, a recognized victim protection organization, or another suitable person may be authorized as a representative.

2) The court may, if it deems it appropriate, instruct the absent private prosecutor, private party, or liable party to appoint a representative residing at the seat of the court.

VI. Main section

Notification, service, and inspection of files, as well as the use of information technology

§ 35

1) The announcement of decisions by the court and the public prosecutor's office shall be made by oral pronouncement or by service of a copy.

2) Oral announcements shall be recorded in the minutes. Upon request, the content of the decision shall be communicated in writing or electronically to any person to whom it has been announced orally.

3) The files may be forwarded to the public prosecutor's office and the court for inspection. In this case, the public prosecutor's office or the court shall certify the date of receipt of the files and the date of inspection in the files in a verifiable manner.

§ 36

1) Unless otherwise specified in this Act, the Service of Documents Act (ZustG) and §§ 87 and 91 of the Code of Civil Procedure shall apply mutatis mutandis to service of documents.

2) Articles 8, 10 (2) sentence 1 and (3) and Article 12 ZustG shall apply only to subsidiary plaintiffs, private plaintiffs, private parties, other affected parties (§ 354) and the authorized representatives of these persons, except in the cases of § 140 (1) and § 295 (2).

3) Service must be effected by direct delivery or by means of a delivery service. The state police may only be requested to effect service if this is absolutely necessary in the interests of criminal justice.

Section 37

- 1) Unless otherwise specified, service may be effected without proof of delivery.
- 2) Transmission to an electronic delivery address (Art. 2 para. 1 lit. e ZustG) shall be deemed equivalent to delivery with proof of delivery.
- 3) Summonses and requests, compliance with which can be enforced by coercive measures or other means, Documents whose delivery triggers the deadline for lodging an appeal or legal remedy with the court, as well as summonses to private parties, private prosecutors, and subsidiary prosecutors for the final hearing, must be delivered by hand (Art. 23 ZustG). Professional party representatives may always be served with proof of delivery instead of by hand.
- 4) If the accused or another party to the proceedings is represented by a defense attorney or another person, service must be made to that defense attorney or representative. However, the summons to the final hearing in the first instance, the judgment in absentia, and notifications and communications pursuant to §§ 22c (4), 22d (1) and (4), and 22f (1) and (3) must always be delivered to the defendant or accused in person and by hand.

§ 38

Repealed

Section 39

- 1) In cases of justified legal interest, the court may also grant access to criminal court files and approve the issuance of copies (photocopies) in cases not specifically designated in this law, provided that this does not conflict with overriding public or private interests.
- 2) For the purpose of non-personal evaluation for scientific work or comparable investigations in the public interest, the court may grant access to files relating to proceedings, the production of copies (photocopies), and the transmission of data from such files.
- 3) The prohibition on publication pursuant to § 30a shall apply mutatis mutandis.

Section 39a

1) The court, public prosecutor's office, and state police may, within the scope of their duties, process the personal data necessary for this purpose, including special categories of personal data and personal data relating to criminal convictions and offenses. Unless otherwise specified for the processing of such data, the provisions of the Data Protection Act shall apply.

2) The court, public prosecutor's office, and state police shall observe the principles of legality and proportionality when processing data in accordance with paragraph 1. In any case, they shall protect the legitimate interests of the persons concerned in confidentiality and give priority to the confidential treatment of data. When processing special categories of personal data and personal data relating to criminal convictions and offenses, they shall take appropriate measures to protect the confidentiality interests of the persons concerned.

§ 39b

1) Data pursuant to § 39a (1) shall be determined from the data subject or in a manner recognizable to the data subject, provided that this does not jeopardize the proceedings or involve disproportionate effort.

2) If the data was not identifiable to the data subject in accordance with § 39a (1) and was collected outside the scope of Chapter III of the Data Protection Act, the data subject must be informed immediately. The information may be withheld or postponed in order to protect overriding public or private interests.

Section 39c

Repealed

Section 39d

1) Incorrect, incomplete, or data determined contrary to the provisions of this Act pursuant to Section 39a (1) shall be corrected, completed, or deleted immediately, either ex officio or at the request of the person concerned. The court, public prosecutor's office, and state police shall immediately notify the authorities to which they have communicated incorrect data pursuant to Section 39a (1) of the correction.

2) Subject to the admissibility of further processing in accordance with other legal provisions, access to a person's first and last name shall be prevented

1. in the case of a conviction, at the latest after ten years from the date on which the sentence was served, but if no sentence was imposed or a suspended sentence was granted, from the date of conviction,

2. in the case of an acquittal, a discontinuation of proceedings, or a (final) withdrawal of prosecution, no later than ten years after the decision.

3) Sixty years after the dates specified in paragraph 2, all data pursuant to Section 39a (1) must be deleted from direct access.

4) Personal data, including special categories of personal data, obtained solely on the basis of an identity check (§ 91a), a physical examination (§ 95a) or a molecular genetic examination (§ 95b) may only be processed for as long as there is reason to fear, due to the nature of the offense, the personality of the person concerned or other circumstances give reason to fear that this person will commit a criminal offense with more than minor consequences. If the defendant is acquitted with legal effect or the investigation is discontinued without reservation of subsequent prosecution, this data must be deleted. Other legal provisions, in particular those of the Police Act, and special provisions of state treaties remain unaffected by this.

5) Insofar as personal data obtained through the monitoring of electronic communications may be used as evidence in criminal proceedings, its use is also permitted in related civil or administrative proceedings and for the prevention of criminal acts punishable by more than one year's imprisonment, as well as for the prevention of significant dangers to life, life, or liberty of a person or for significant property and financial assets.

§ 40

1) The government must be notified of the initiation and termination of criminal proceedings against persons who are in public service, members of a municipal or other representative body appointed to conduct public affairs, or who have been awarded public titles, orders, or decorations.

2) The same applies to members of the clergy, with the proviso that the notification must be addressed to the bishop or spiritual leader of the diocese to which the accused belongs.

VII. Main section

On the investigation in general and the joinder of several criminal cases and the separation of individual criminal cases

§ 41

1) The purpose of the investigation procedure is to establish the facts of the case, to investigate the perpetrator, accomplices, and participants, and to gather evidence of guilt on the one hand and means of justification for the accused on the other.

2) The investigation of the facts consists of determining whether a criminal offense that has come to the attention of the court has actually taken place and what its nature is in all circumstances and effects. In particular, it must also be determined to what extent the act was committed with intent or through negligence; what aggravating or mitigating circumstances accompanied it; which persons may have knowledge of it; and how great the damage caused by the criminal act is.

3) The investigating judge may only initiate an investigation into such criminal offenses and only against persons in respect of whom he has received a request to that effect from an authorized prosecutor.

4) If the public prosecutor requests the initiation of an investigation, he must inform the investigating judge of the complaint, the evidence that has come to his attention, and the results of any preliminary investigations that may have been initiated.

5) The investigating judge shall decide on the request to initiate the investigation by means of a ruling.

§ 42

The investigating judge shall investigate the criminal offenses with the assistance of a sworn recorder.

§ 43

1) The prosecutor and the accused are entitled to submit motions to the investigating judge regarding the conduct of individual investigative measures, on which the investigating judge shall decide. In all other respects, however, the investigating judge shall, without awaiting further motions from the prosecutor, act ex officio

with the aim of establishing the facts of the case, identifying the perpetrator, and determining the evidence serving to convict or defend the accused to the extent required by the purpose of the investigation.

2) Except in the cases regulated by this Act (Sections 69(2), 115a, 147(3)), the prosecutor, the private party, the victim, and the defense counsel may not be present during the formal examination of the accused or the witnesses by the investigating judge. The prosecutor and the defense counsel are also entitled to be present during the inspection, the search of the premises, and the search of documents, and to designate the objects to which these investigative measures are to be extended. The investigating judge shall therefore, as a rule, notify the prosecutor and the defense counsel in advance of the performance of these acts; however, if there is imminent danger, he shall perform them without prior notification.

§ 44

If the involvement of court witnesses is necessary during an investigation, these witnesses must be adults of good character who are not involved in the matter and must swear by shaking hands that they will pay full attention to everything that is done and said before them, ensure that the proceedings are recorded accurately, and maintain confidentiality until the conclusion of the proceedings regarding everything that has become known to them during the investigation. . The involvement of court witnesses is only required:

1. when conducting an inspection;
2. during house and personal searches;
3. when questioning the accused, if he so requests.

§ 45

It is a general civic duty to serve as a court witness in investigative proceedings. This duty applies first and foremost to the residents of the municipality in which the investigative proceedings are conducted.

§ 46

The investigating judge shall appoint court witnesses in accordance with §§ 44 and 45 of this Act. The following persons shall be completely exempt from the duty to serve as court witnesses:

- a) pastors;
- b) public officials and servants;

c) teachers, medical personnel, and all those whose professional duties cannot be interrupted without violating public service.

§ 47

1) Minutes shall be taken of all investigative proceedings; in addition to the official conducting or supervising the proceedings, a sworn minute-taker must always be present.

2) Statements made by persons outside of a formal interrogation and other significant events must be recorded in writing in such a way that their essential content can be traced. Such an official note must in any case be signed by the recording body and, if necessary, by other persons.

§ 48

1) The minutes of court proceedings shall be recorded immediately as they take place and, where this is not feasible, immediately afterwards.

2) Unless otherwise specified (§ 202 (4)), each record shall contain the name of the place, the year and day of the recording, the persons present, the content of statements and other essential events during the official act, any motions made, and the signatures of the persons questioned.

3) Questions shall only be recorded to the extent necessary for understanding an answer. As a rule, the answers shall be recorded in narrative form, focusing on their essential content. Only if it is important for the assessment of the matter, or if it is to be expected that the minutes will need to be read out at the final hearing, or if the person being questioned so requests, shall the statement of the person being questioned be recorded in the minutes verbatim, using their own words and recognizable as such.

4) The person conducting the proceedings must dictate the minutes aloud so that those present can hear them. However, the person being questioned is free to dictate their answers to the minute-taker. If the person being questioned abuses this right, it may be revoked by the judge. The minutes must be written in full. However, it is permissible to use shorthand provisionally or to record the dictation using technical aids. Such a procedure and any decision announced must in any case be recorded in full immediately. Shorthand and audio recordings must be transcribed into full text without delay, and the audio recording must

also played back beforehand if one of the parties involved so requests; § 202 (4) applies to shorthand and audio recordings.

§ 49

Each record shall be read aloud to the persons questioned or otherwise involved, or presented to them for review upon request, and the presentation and approval shall be noted in the record. The minutes shall then be signed by the persons questioned by affixing their signature or initials on each page and, at the end, by the officials present, the minute-taker, the court witnesses involved, and any other persons involved. If the person questioned refuses to sign, this shall be noted in the minutes, together with the reason for the refusal.

§ 50

Once written down, nothing significant may be deleted, added, or changed. Crossed-out passages shall remain legible. Significant additions or corrections that a person being questioned adds to their statement shall be noted in the margin of the minutes or in an addendum and approved and signed in the manner specified in § 49 and signed. If the person being questioned is entitled to inspect the files, they shall be given a transcript or copy immediately upon request, provided that this does not conflict with the interests of the proceedings or third parties worthy of protection; § 30a shall apply.

§ 50a

1) After expressly informing the person being questioned, it is permissible to make an audio or video recording of a questioning, provided that it is recorded in its entirety. In the case of the questioning of a witness, this shall not be done, notwithstanding special legal provisions (§§ 69, 115a, 195a, 197 (3)), if and as soon as the witness objects to the recording.

2) In the case of a recording pursuant to paragraph 1, a written summary of the content of the interrogation may be prepared in lieu of a transcript, which shall be signed by the investigating judge and added to the file. The provisions of § 48 shall apply to this summary.

Section 51

1) If the minutes consist of several sheets, these must be stapled together and affixed with the court seal.

2) The investigating judge shall keep a register in which all files relating to the investigation shall be recorded in detail on a daily basis.

Section 52

The person in charge of the respective official act shall ensure that order is maintained and decorum is observed. To this end, he shall be entitled to expel or remove from the proceedings, for a period of time or for the entire duration of the proceedings, any persons who, despite prior warnings and threats of expulsion, refuse to comply with his orders, behave aggressively or otherwise in a grossly inappropriate manner towards persons present, or otherwise obstruct the proceedings. In all other respects, Sections 183 (2), 184 (2), and 185 shall apply *mutatis mutandis* to the investigation proceedings. However, only the investigating judge may impose the administrative penalties mentioned therein. A fine may only be imposed on the legal representatives of the parties if they are not subject to the disciplinary authority of a professional association. Each of these orders shall be recorded in the files.

§ 53

1) If an authority becomes aware of a suspected criminal offense that is subject to prosecution *ex officio* and that falls within its lawful sphere of activity, it is obliged to report it to the public prosecutor's office or the state police.

2) There is no obligation to report under paragraph 1

1. if the report would impair an official activity whose effectiveness requires a personal relationship of trust, or

2. if and as long as there are sufficient grounds for assuming that the criminality of the act will soon cease to exist as a result of measures taken to remedy the damage.

3) In any case, the authority must take all necessary measures to protect the injured person or other persons from danger; if necessary, a report must also be made in the cases referred to in paragraph 2.

4) The reporting obligations of the state police and the courts, as well as reporting obligations laid down in other laws, remain unaffected.

§ 54

1) The obligation to report specified in § 53 applies in particular to the courts.

2) The courts are obliged to provide the public prosecutor and the criminal court (§ 12) with all necessary information and to transmit the files they require in original or certified copy.

§ 55

1) Anyone who becomes aware of a criminal offense is entitled to report it. Not only the public prosecutor's office, but also the investigating judge and the state police are obliged to accept the report. They must forward the report to the public prosecutor's office.

2) If there are sufficient grounds for believing that a person is committing, has just committed, or is wanted for committing an act punishable by law, anyone is entitled to apprehend that person in an appropriate manner. However, they are obliged to report the apprehension immediately to the nearest state police authority.

§ 56

1) The public prosecutor is obliged to investigate all reports of criminal offences that are subject to ex officio prosecution and to pursue any evidence of such criminal offences that comes to his attention. He must also assist in the discovery of unknown perpetrators by investigating any grounds for suspicion that may lead to their identification.

2) If anonymous reports or those originating from a completely unknown source contain specific circumstances that credibly indicate a criminal offense, these circumstances must be investigated; however, this must be done without causing a stir and with the utmost respect for the honor of the accused persons.

3) If the public prosecutor's office obtains knowledge of a criminal offense that is not merely to be investigated at the request of a party involved through a report or other communication from a person, it is obliged to arrange for that person to be questioned, to investigate the report or communication with the assistance of the state police until it reaches its source, and to ascertain, as far as possible, whether this gives rise to reasonable suspicion.

4) Repealed

§ 57

1) As long as no request has been made by the public prosecutor, the investigating judge shall only carry out those investigative measures which cannot be postponed without jeopardizing the purpose or exceeding a statutory time limit. He shall inform the public prosecutor of the measures taken and then await the latter's requests.

2) The investigating judge shall forward the records of the investigative measures taken in accordance with paragraph 1 to the public prosecutor as quickly as possible for the purpose of filing a request.

§ 58

However, even if a report is anonymous or comes from an unknown person, if it contains specific circumstances that credibly indicate a criminal offense, steps must be taken to investigate these circumstances.

§ 59

1) If a criminal offense has left traces, these shall be investigated in an appropriate manner, in particular by visual inspection in accordance with the provisions contained in the following main sections.

2) Therefore, due care shall be taken to ensure that such traces are left in the condition in which they were found when the criminal offense was discovered, insofar as this is feasible without causing significant damage.

§ 60

1) Objects with which the criminal act was committed or which the perpetrator may have left at the scene of the crime, as well as any objects that may be recognized by the accused or by witnesses or that may otherwise serve as evidence, shall, as far as possible, be taken into judicial custody. They shall either be placed in a container to be sealed with an official seal, or they shall be marked in such a way as to protect them from substitution or confusion.

2) If the objects found include items consecrated for religious worship, the court shall ensure that they are separated from all other objects and stored appropriately.

§ 61

1) The investigating judge shall question all persons from whom information about the circumstances of the offense or about the persons involved and their relationship to the offense can probably be expected, and in particular also the persons harmed by the criminal act.

2) Persons who have already been questioned may be questioned again by the investigating judge if this appears necessary in order to supplement or clarify their previous statements.

§ 62

If the damage caused by a criminal offense or lost profits cannot be reliably assessed on the basis of the victim's statement, or if there is reason to believe that the victim has overestimated the damage, the amount of damage shall be determined by questioning witnesses or consulting experts in cases where it is relevant to the classification of the act as a crime, the severity of the punishment, or the award of compensation.

§ 63

Documents that are not written in German and are relevant to the investigation shall be translated by a sworn interpreter and added to the files together with the translation.

§ 64

- 1) The investigation shall be discontinued by order of the investigating judge as soon as the prosecutor withdraws the criminal prosecution.
- 2) Except in this case, the investigation may only be discontinued by order of the investigating judge (§ 66) or the High Court.

§ 65

- 1) If the investigation is discontinued, the prosecutor, the victim, the private party, and the accused shall be notified thereof; the latter shall be released immediately if he was in custody.
- 2) At his request, he shall be issued with an official certificate stating that there are no grounds for further legal proceedings against him.
- 3) Repealed

§ 66

The investigation shall be discontinued by order of the investigating judge if, on the basis of the results of the investigations, it is established that no criminal offense has been committed, or if all grounds for suspicion against the accused have been removed, or if further investigations are not expected to provide any further clarification, either in relation to the facts of the case or with regard to the perpetrator.

Section 67

- 1) The jurisdiction of the court for the direct perpetrator also establishes jurisdiction for the other parties involved (§ 12 StGB).

2) If the same defendant is charged with several criminal offenses, or if several persons have participated in the same criminal offense, or if one of the latter has also committed criminal offenses in conjunction with other persons, the criminal proceedings against all these persons and for all these criminal offenses shall, as a rule, be conducted simultaneously and a judgment shall be rendered on all the criminal cases that coincide. The same applies if several persons are suspected of committing criminal offenses that are otherwise closely related in terms of their subject matter.

3) However, the court may, upon request or ex officio, order that criminal proceedings be conducted and concluded separately with regard to individual criminal offenses or individual defendants, provided that this appears to be expedient in order to avoid delays or complications in the proceedings or to reduce the detention of a defendant.

4) In each such case, the prosecutor shall be required to declare immediately whether he reserves the right to prosecute the accused on the charges that have been separated. If this is done, the proceedings concerning the latter shall be continued without unnecessary delay and brought to a conclusion; if not, the investigation of these charges shall be discontinued.

§ 68

If the criminal offenses within the meaning of Section 67 (2) include those for which, on the basis of intergovernmental agreements, a special legal remedy is available before a foreign appellate court, the criminal proceedings for these criminal offenses shall be conducted separately.

VIII. Main section

On visual inspection and expert witnesses

I. On visual inspection and the consultation of experts in general

Section 69

1) The inspection shall be carried out whenever this appears necessary to clarify a circumstance relevant to the investigation. There shall always be two court witnesses, and if this is deemed expedient for the recognition of the objects to be examined or for obtaining clarification, the accused shall also be called in. The accused's defense counsel may not be denied participation in the inspection; nor may a

already appointed defense counsel shall be informed of the inspection, unless there are special reasons for not doing so.

2) If, in the course of the inspection, a person is questioned in the course of reconstructing the probable course of events at the scene of the crime or at another location related to the crime, and an audio and video recording is made of these proceedings (reconstruction of the crime), the public prosecutor's office, the accused, the victim, the private party, and their representatives must be given the opportunity to participate. They have the right to ask questions and request additional investigations and findings.

3) The accused may be temporarily excluded from participation pursuant to paragraph 2 if his presence could jeopardize the purpose of the proceedings or if special interests so require (Section 197 (1)). The victim and the private party shall be temporarily denied participation if there is reason to fear that their presence could influence the accused or witnesses in making a free and complete statement. In such cases, a copy of the minutes shall be sent to the parties concerned immediately. However, the participation of the defense counsel may not be restricted. In all other respects, Section 50a shall apply.

Section 70

The report to be drawn up on the basis of the visual inspection shall be so precise and detailed that it provides a complete and accurate picture of the items inspected. To this end, drawings, plans, or sketches shall be attached to the report as necessary; dimensions, weights, sizes, and local conditions shall be specified in accordance with known and indisputable standards.

§ 71

- 1) If necessary, an expert shall be consulted during the inspection.
- 2) Two experts shall only be consulted if this is necessary due to the difficulty of the observation or assessment.

§ 72

1) The investigating judge shall be responsible for selecting the experts. If such experts are permanently employed by the court for a specific field, he shall only call in others if there is imminent danger or if the former are prevented from attending due to special circumstances or appear to be questionable in the individual case.

2) If an expert fails to comply with the summons issued to him or refuses to cooperate in the inspection,

the investigating judge may impose a fine of up to 1,000 francs on him.

§ 73

Persons who may not be questioned as witnesses or sworn in during the investigation, or who have a relationship with the accused or the injured party as described in § 107 (1) No. 1, may not be called as expert witnesses, otherwise the proceedings will be null and void. As a rule, both the prosecutor and the accused must be informed of the choice of expert before the inspection is carried out; if significant objections are raised and there is no danger of delay, other experts must be consulted.

§ 74

- 1) The investigating judge shall remind those experts who are already sworn in general of the oath they have taken before commencing the official act.
- 2) Other experts must be sworn in before the inspection is carried out that they will examine the subject matter carefully, report their observations truthfully and completely, and submit their findings and expert opinion to the best of their knowledge and belief and in accordance with the rules of their science or art.

§ 75

- 1) The objects of the inspection shall be viewed and examined by the experts in the presence of the court officials, unless the latter deem it appropriate to withdraw for reasons of moral decency or if the necessary observations, as in the case of the examination of poisons, can only be made through continuous observation or prolonged experiments.
- 2) However, whenever the court officials leave the scene of the inspection, suitable measures shall be taken to ensure the credibility of the investigations to be carried out by the experts.
- 3) If the expert's procedure is likely to result in the destruction or alteration of an object to be examined by them, part of the latter shall, insofar as practicable, be kept in judicial custody.

1) The investigating judge shall conduct the inspection. Taking into account as far as possible the requests made by the prosecutor and the accused or his defense counsel, he shall designate the objects on which the experts are to focus their observations and shall ask the questions which he considers necessary to be answered. The experts may request that they be provided with information from the files or through the examination of witnesses on points to be specified by them which they deem necessary for the expert opinion to be delivered.

2) If the experts consider it essential to inspect the investigation files in order to deliver a thorough expert opinion, the files themselves may also be made available to them, unless there are particular reasons for not doing so.

The information provided by the experts regarding their observations (findings) shall be recorded immediately by the recording clerk. They may either record their expert opinion and the reasons for it immediately or reserve the right to submit a written expert opinion, for which a reasonable deadline shall be set.

If the findings are unclear, vague, contradictory, or inconsistent with the facts of the case, or if the statements of two experts regarding the facts they have observed differ significantly from one another, and if the concerns cannot be resolved by a repeat examination, the inspection shall be repeated, if possible, with the same expert or experts. If necessary, other experts may be called in to replace them.

If such contradictions or deficiencies arise in relation to the expert opinion, or if it becomes apparent that it contains conclusions that are not logically derived from the stated premises, and if the concerns cannot be dispelled by re-examining the expert, the opinion of another expert or several other experts shall be obtained.

II. Procedure for investigations into homicides and bodily injury in particular

- 1) If, in the event of a death, there is suspicion that it was caused by a criminal act, an examination and autopsy of the body must be carried out before the funeral.
- 2) If the body has already been buried, it must be exhumed for this purpose if, under the circumstances, a significant result can still be expected and there is no urgent danger to the health of the persons who must participate in the post-mortem examination.
- 3) Before proceeding with the opening of the body, it must be described in detail and its identity must be established beyond doubt by questioning persons who knew the deceased. If necessary, these persons must be asked to provide a detailed description of the deceased before recognition. However, if the latter is completely unknown, a precise description of the corpse must be published in public newspapers.
- 4) During the post-mortem examination, the investigating judge must ensure that the position and condition of the body, the place where it was found, and the clothing in which it was found are accurately noted, and that everything that could be relevant to the investigation under the circumstances is carefully observed. In particular, wounds and other external signs of violence must be recorded in detail according to their number and nature, the means and instruments by which they were probably caused must be indicated, and any instruments found that may have been used must be compared with the injuries present.

§ 81

- 1) The post-mortem examination and autopsy shall be performed by one, or if necessary two, physicians (§ 71).
- 2) The physician who treated the deceased for any illness preceding their death shall be requested to be present at the post-mortem examination if this contributes to the clarification of the facts and can be done without delay.

§ 82

- 1) The expert opinion must state what was the immediate cause of death in the present case and what caused it.
- 2) If injuries are detected, the following questions must be discussed in particular:

(StPO)

1. whether they were inflicted on the deceased by the actions of another person and, if so,

2. whether these actions

a) by its general nature,

b) by virtue of the peculiar personal characteristics or a special condition of the injured person,

c) due to the accidental circumstances under which it was committed, or

d) by chance, but caused by it or arising from it, and whether, finally,

e) death could have been averted by timely and appropriate assistance.

3) Insofar as the expert opinion does not cover all circumstances relevant to the decision, the investigating judge shall ask the experts specific questions in this regard.

§ 83

In cases of suspected infanticide, in addition to the investigations to be carried out in accordance with the above provisions, it must also be investigated whether the child was born alive.

§ 84

If poisoning is suspected, a chemist shall be consulted in addition to a physician, as necessary, in order to establish the facts of the case. However, depending on the circumstances, the examination of the poisons themselves may also be carried out by the chemist alone in a suitable location. In all other respects, § 71 shall apply *mutatis mutandis*.

§ 85

In the case of physical injury, the victim shall also be examined by a physician acting as an expert, who, after providing a detailed description of the injuries, shall in particular state which of the physical injuries or health impairments, either individually or in combination, are to be regarded as minor, serious, or life-threatening in themselves or under the particular circumstances of the case, what effects/damage of this kind usually entail, and which have resulted in the present individual case, as well as by what means or tools or in what manner they were inflicted. In all other respects, § 71 shall apply *mutatis mutandis*.

§ 86

If it is necessary to examine a woman, a female doctor should be appointed if possible.

III. Procedure in cases of doubt regarding mental disorders or criminal responsibility**§ 87**

1) If there is doubt as to whether the accused is of sound mind or whether he or she suffers from a mental disorder that could render him or her not criminally responsible, an examination of the accused's mental and emotional state shall be arranged at any time by two physicians.

2) They shall report on the results of their observations, compile all facts relevant to the assessment of the mental and emotional state of the accused, examine them individually and in context according to their significance, and, if they consider a mental disorder to be present, determine the nature of the illness, the type and degree thereof, and, based on both the case files and their own observations, comment on the influence that the illness has had and continues to have on the defendant's perceptions, impulses, and actions, and whether and to what extent this impaired state of mind existed at the time the offense was committed.

IV. Examination of handwriting**§ 88**

If doubts arise as to the authenticity of a document or if it is necessary to determine whose handwriting a particular document originates from, a comparison with documents of undoubted authenticity may be carried out by one or two experts.

V. Procedures for investigations into criminal offenses against the security of transactions involving money, securities, and stamps**§ 89**

1) In cases of criminal offenses against the security of transactions involving money, securities, and stamps, the investigating judge shall, as a rule, hand over the items that are the subject of the investigation to the government in order to obtain a finding as to their authenticity or inauthenticity and further information as to the manner in which the forgery was committed, whether prepared tools facilitating reproduction were used, and finally whether and where such counterfeit items have already appeared.

2) Even after criminal proceedings have been completely concluded, the counterfeits, together with all tools, materials, and other related items originating from the criminal act, must be sent in. As soon as these items become necessary for a new criminal proceeding, they must be requested back.

VI. Procedure for investigations into arson

§ 90

In cases of arson, it is particularly important to determine how the fire was started, whether an ignition source was used and, if so, which one; it is also necessary to investigate the location and time of the arson, whether it occurred during the day or at night, or whether it occurred under circumstances that actually caused a conflagration on someone else's property or at least created the risk of such a conflagration, or whether it endangered human life, and whether the fire could have spread easily when it broke out; finally, in the event of an actual fire, the extent of the damage caused by it must be assessed.

VII. Procedure for investigations into other damage

§ 91

In the case of criminal acts which, in ways other than those just mentioned, have caused damage or danger to life or property, the inspection shall focus primarily on the nature of the force or deception used, the means or tools employed, and the extent of the damage caused or intended, the loss of profit, or the danger to life, health, or physical safety of persons and to property belonging to others.

IX. Main section

On the establishment of identity, the search of premises and persons, physical and molecular genetic examination, seizure, surveillance of
electronic communication, surveillance, undercover
investigations, and sham transactions, as well as the protection of clergy
official secrecy and of professional secrets

I. Identity verification, house and personal searches, physical examinations, and molecular genetic testing

§ 91a

- 1) Identity verification, i.e. the determination and establishment of data (Art. 46 lit. a DSG) that uniquely identifies a specific person, is permissible if, based on certain facts, it can be assumed that a person is involved in a criminal offense, can provide information about the circumstances of a criminal offense, or has left traces that could aid in the investigation.
- 2) The state police are authorized to determine a person's name, gender, date of birth, place of birth, occupation, and residential address, to determine a person's height, to photograph them, to record their voice, and to take their fingerprints, insofar as this is necessary to establish their identity.
- 3) Every person is obliged to cooperate in establishing their identity in a manner appropriate to the circumstances; upon request, the state police must disclose the reason for this identification.
- 4) If the person does not cooperate in the identification process or if their identity cannot be immediately established for other reasons, the state police are authorized to search the person on their own initiative in accordance with Section 92 (2) in order to establish their identity.

§ 92

- 1) A house search, i.e. the search of a dwelling or other premises belonging to the household, is permissible if there is reasonable suspicion that a person suspected of a crime or offense is hiding there or that objects or traces are located there which may be relevant to the investigation or need to be evaluated.
- 2) A personal search, i.e., the search of a person's clothing and the objects they have with them, is permissible if they have been arrested or caught in the act, are suspected of a criminal offense, and, based on certain facts, it can be assumed that they have objects that are subject to seizure or traces on them, or may have suffered injuries or other changes to their body as a result of a criminal offense, the determination of which is necessary for the purposes of criminal proceedings.

§ 93

- 1) As a rule, a search shall only be carried out after prior questioning of the person at whose premises or on whose property it is to be carried out, and only insofar as

the questioning does not result in the voluntary surrender of the person sought or the elimination of the reasons for the search.

2) This questioning may be dispensed with in the case of notorious persons, as well as in cases of imminent danger or if the search is to be carried out in premises open to the public.

3) As a rule, the search may only be carried out on the basis of a reasoned judicial order. This order shall be served on the person concerned immediately or within the next twenty-four hours.

4) The state police may conduct searches of premises and rooms, vehicles, or containers that are not generally accessible and do not belong to the household (§ 92 (1)), as well as searches of persons pursuant to § 92 (2), on their own initiative.

5) However, if it proves necessary to inspect a person's naked body, this must be ordered by the court; in cases of imminent danger, however, the state police are also authorized to carry out this search without an order. Such a search must always be carried out by a person of the same sex or by a doctor, with respect for the dignity of the person being searched.

6) Under no circumstances may the victim be forced to undergo a search against their will.

§ 94

1) For the purposes of criminal justice, a house search may also be carried out by the state police on their own authority if an order has been issued for someone to be brought before the court or arrested, or if someone is caught in the act, is suspected of a criminal offense by public prosecution or public appeal, or is found in possession of items that indicate involvement in such an offense.

2) In this case, and if the state police carry out a search in accordance with § 93 (4) and (5), the person concerned shall, at their request, be issued with a certificate confirming that the search has been carried out and stating the reasons for it, either immediately or within the next twenty-four hours.

§ 95

1) House searches shall always be carried out with the avoidance of all unnecessary attention, any unnecessary harassment or disturbance of the persons concerned, with

the utmost care to protect their reputation and their private secrets not related to the subject of the investigation, and with the utmost care to preserve propriety and decency.

2) As a rule, the house search shall be carried out in the presence of the investigating judge. In minor cases, the investigating judge may have such investigative measures carried out by the state police.

3) The person concerned has the right to call in a person they trust to be present during the search; § 115 (2) applies *mutatis mutandis* to this person. The owner of the premises to be searched must be requested to be present during the search. If the owner is unable to attend or is not present, the request must be made to an adult member of their family or, in their absence, to an uninvolved, trustworthy person. This requirement may only be waived in cases of imminent danger. A search of premises used exclusively for professional purposes by one of the persons mentioned in § 108 (1) nos. 2 to 4 shall be conducted *ex officio* in the presence of a representative of the respective legal interest group or the media owner or a representative named by him.

4) In addition, a recording clerk and two court witnesses must always be present during the search.

5) The minutes of the search shall be signed by all those present. Upon request, the person concerned shall be given a copy (photocopy) of the minutes. If nothing suspicious has been found, the person concerned shall be given confirmation of this upon request.

§ 95a

1) A physical examination, i.e., the search of body cavities, the taking of a blood sample, and any other interference with the physical integrity of persons, is permissible if

1. it can be assumed on the basis of certain facts that a person has left traces whose seizure and examination are essential for the investigation of a criminal offense,

2. it can be assumed on the basis of certain facts that a person is concealing objects in their body that are subject to seizure, or

3. Facts that are of decisive importance for the investigation of a criminal offense or the assessment of criminal responsibility cannot be established by other means.

2) A physical examination pursuant to paragraph 1, item 1, is also permissible on persons who belong to a group of persons that can be identified by certain characteristics if, on the basis of certain facts, it can be assumed that the perpetrator is among this group of persons and the investigation of a crime would otherwise be significantly more difficult.

3) A physical examination shall be ordered by the investigating judge at the request of the public prosecutor. The state police may take a cheek swab on its own initiative, unless the swab is to be taken for the reasons mentioned in paragraph 2 or an order by the court is required under the agreement between the Principality of Liechtenstein and the Swiss Confederation on cooperation within the framework of the Swiss information systems for fingerprints and DNA profiles.

4) Surgical procedures and any procedures that could cause damage to health lasting more than three days are not permitted. Other interventions may be carried out if the person to be examined expressly consents after having been informed of the possible consequences. Without the consent of the person concerned, a blood sample may be taken or a comparable minor intervention may be carried out if the occurrence of consequences other than insignificant ones can be ruled out, provided that

1. the person is suspected of having committed a criminal offense against life or limb while engaged in a dangerous activity while under the influence of alcohol or other intoxicating substances, or

2. a physical examination of the accused is necessary to investigate a criminal offense punishable by more than five years' imprisonment or a crime under Section 10 of the Criminal Code.

5) Any physical examination must be carried out by a doctor or medical professional; however, a cheek swab may also be taken by another person who has been specially trained for this purpose. In all other respects, the provisions of Sections 93(1), 94(2), 95(1), (3) and (5) on searches apply *mutatis mutandis*.

6) The results of a physical examination may only be used as evidence, otherwise being null and void, if

1. the conditions for a physical examination were met,
 2. the physical examination was lawfully ordered, and
 3. it is used as evidence of a criminal offense for which the physical examination was ordered or could have been ordered.
- 7) The results of a physical examination carried out for reasons other than criminal proceedings may only be used as evidence in criminal proceedings if this is necessary to prove a criminal offense for which the physical examination could have been ordered.

§ 95b

- 1) For the purpose of investigating a criminal offense, it is permissible to examine biological traces on the one hand and material that belongs or is likely to belong to a specific person on the other hand in order to assign the trace to a person or to determine the identity of a person or their ancestry, and to compare it with the results of molecular genetic examinations that were lawfully obtained on the basis of other legal provisions.
- 2) A molecular genetic examination, i.e. the identification of those areas in a person's DNA that serve for recognition purposes, shall be ordered by the investigating judge, unless it is merely a biological trace at the scene of the crime or a non-invasively taken sample from persons (Section 95a (3) last sentence); such samples may be examined by the state police on its own initiative.
- 3) A domestic or foreign forensic institute or laboratory shall be commissioned to carry out the molecular genetic examination. The examination material shall be handed over to the institute or laboratory in anonymized form. Furthermore, care must be taken to ensure that data from molecular genetic examinations can only be assigned to a specific person to the extent necessary for the purpose of the examination (paras. 1 and 4).
- 4) Test material that belongs or is likely to belong to a specific person and the results of the test may only be used and processed for as long as the assignment to the trace or the determination of identity or descent cannot be ruled out; thereafter, they must be destroyed. Other legal provisions, in particular those of the Police Act, and special provisions under state treaties remain unaffected.

5) Data obtained on the basis of this provision shall be transmitted to the state police upon request, insofar as the investigation and processing of such data would be permissible under other provisions.

II. Seizure

§ 96

1) If objects and information stored on data carriers are found that may be relevant to the investigation or are subject to confiscation, forfeiture, extended forfeiture, or seizure, they shall be entered in a register and taken into judicial custody or at least placed under judicial supervision or seized (§ 60).

1a) The seizure of items for evidentiary purposes is not permissible and must be lifted at the request of the person concerned if and as soon as the evidentiary purpose can be fulfilled by means of image, sound or other recordings or by copies of written records or computer-processed data and it cannot be assumed that the items themselves or the originals of the seized information will be examined in the final hearing. If necessary, the seizure shall be limited to the recordings and copies.

2) Everyone is obliged (§ 9 (4)) to surrender objects to be seized, in particular documents, upon request, or to enable seizure in another manner. If the surrender of an object whose possession is conceded or otherwise proven is refused and the seizure cannot be effected by means of a house search, the owner may, unless he or she appears to be suspected of a criminal offense or is exempt from the obligation to testify, be compelled to do so by imposing a coercive fine of up to 10,000 Swiss francs and, in serious cases, by imposing coercive detention of up to six weeks in the event of further refusal (§ 9 (5) and (6)).

2a) If information stored on data carriers is to be seized, everyone must be granted access to this information and, upon request, must provide or have produced an electronic data carrier in a commonly used file format. Furthermore, they must tolerate the production of a backup copy of the information stored on the data carriers.

3) The person obliged to surrender the information shall, unless they themselves are suspected of the offense, be reimbursed upon request for the reasonable costs incurred by them as a result of

the separation of documents or other items of evidence from others or by the provision of photocopies (copies, reproductions).

4) The seizure shall be lifted as soon as the conditions for it no longer apply. The seizure shall be lifted by returning the seized items or by destroying recordings and copies.

§ 96a

1) Even if there is no imminent danger (§ 10 (1)), the state police shall be entitled to seize items on its own initiative

1. if they

a) are not under anyone's control,

b) were taken from the victim as a result of the crime,

c) were found at the scene of the crime and could have been used or intended to be used to commit the crime, or

d) are of low value or can be easily replaced temporarily.

2. if their possession is generally prohibited (Section 356a (1)), or

3. with which a person who is arrested on the grounds of Section 127 (1) No. 1 was found or which are found during a search that the state police may carry out on their own initiative (Section 93 (4)).

2) Section 96 applies *mutatis mutandis* to such seizure.

Section 96b

1) Persons subject to the Due Diligence Act (persons subject to due diligence) are obliged by court order, insofar as this appears necessary for the investigation of money laundering within the meaning of the Criminal Code, a predicate offense to money laundering, or an offense in connection with organized crime,

1. to disclose the name and other data known to them concerning the identity of the holder of a business relationship and the contractual partner, as well as their address,

2. to provide information on whether a suspicious person has a business relationship with the person subject to due diligence, is economically entitled to such a relationship, or is authorized to act on their behalf, and, if this is the case, to provide all information necessary to accurately describe this business relationship and to submit all documents relating to the identity of the holder of the business relationship and their power of disposal,

3. to hand over all documents and other records relating to the nature and scope of the business relationship and related business transactions and other business events for a specific past or future period.

The same applies if, based on certain facts, it can be assumed that the business relationship was or will be used for the transaction of a financial advantage that is subject to forfeiture (§ 20 StGB) or extended forfeiture (§ 20b StGB).

2) Copies may be issued in place of the originals of documents and other records, provided that their conformity with the original is beyond doubt. If data carriers are used, the person subject to the duty of care must provide or have produced permanent reproductions that can be read without further aids. If automated data processing is used to conduct the business relationship, the data must be transmitted on an electronic data carrier in a commonly used file format at the request of the court. Transaction data must be transmitted on an electronic data carrier in a structured form so that the data can be further processed electronically. Section 96 (3) applies *mutatis mutandis*.

3) A decision pursuant to paragraph 1 shall in any case be served on the person subject to the duty of care. Service on the persons otherwise authorized to dispose of the assets who have become known as a result of the business relationship may be postponed as long as this would jeopardize the purpose of the investigation. The person subject to due diligence must be informed of this and must keep all facts and proceedings relating to the court order confidential from customers and third parties for the time being. Under these circumstances, persons working for the person subject to due diligence may not inform the contractual partner or third parties about ongoing investigations.

4) If the party subject to the duty of care refuses to disclose certain documents or other records or to provide certain information, the procedure set out in Sections 92 ff. The prohibition on disclosure pursuant to paragraph 3 remains unaffected.

Section 97

If objects are found during a house or personal search that indicate the commission of an offense other than the one for which the search is being conducted, and if those objects are subject to seizure by the authorities

, they shall be seized; however, a separate report must be made and this must be communicated immediately to the public prosecutor. If the latter does not request the initiation of criminal proceedings, the seized items shall be returned immediately.

§ 97a

1) At the request of the public prosecutor's office, the court shall issue the following orders to secure forfeiture (§ 20 StGB) or extended forfeiture (§ 20b StGB) if there is reason to fear that otherwise the recovery would be jeopardized or significantly impeded:

1. the seizure, custody, and administration of movable physical objects, including the deposit of money,
2. the court injunction prohibiting the sale or pledging of movable tangible property,
3. a court injunction prohibiting the disposal of credit balances or other assets,
4. a court injunction prohibiting the sale, encumbrance, or pledging of real estate or rights entered in the land register.

The prohibition pursuant to clause 3 gives the state a lien on the assets and other property.

2) The order may also be issued if the amount to be secured under paragraph 1 has not yet been precisely determined.

3) The order may specify a sum of money, the payment of which will prevent the order from being enforced. Once the sum has been paid, the order shall be lifted at the request of the person concerned. The sum of money shall be determined in such a way that it covers the expected forfeiture or the expected extended forfeiture.

4) The court shall limit the duration of the order to a maximum of two years. This period may be extended upon request for a maximum of one additional year at a time.

5) The order shall be revoked as soon as the conditions for its issuance no longer apply, in particular if it can be assumed that the forfeiture or extended forfeiture will not occur or the time limit set in accordance with paragraph 4 has expired.

6) The public prosecutor's office, the accused, and any other parties affected by the order (§ 354) may appeal to the higher court against the decision on the order or its revocation.

§ 97b

1) If seized or confiscated items or assets secured pursuant to § 97a are subject to rapid deterioration or a significant reduction in value, or if they can only be stored at disproportionate cost, the court may, at the request of the public prosecutor's office, sell them in the manner prescribed in § 268. However, the sale shall not take place as long as the items are needed for evidentiary purposes.

2) Persons affected by the sale shall be notified prior to the sale, provided they can be reached.

3) The proceeds shall replace the sold items. Realization due to disproportionate storage, maintenance, or administrative costs shall not take place if an amount sufficient to cover these costs is imposed in good time.

4) The court shall decide on the disposal at the request of the public prosecutor's office, if necessary at the same time as the seizure or prohibition of disposal pursuant to § 97a.

III. Sealing

Section 98

1) When searching papers or data carriers, care must be taken to ensure that their contents do not come to the knowledge of unauthorized persons.

2) Documents or data carriers taken into judicial custody shall be sealed if

1. they cannot be immediately recorded during a house search or

2. Persons referred to in § 108 (1) nos. 2 to 4 may, during the search of their home or at the same time as the documents are handed over, assert their right to refuse to make a statement (§ 108 (3)) and specifically designate the relevant documents or data carriers.

3) The sealing of documents or data carriers seized during a house search may also be requested within 14 days of execution by persons not directly affected by the house search who, pursuant to Section 108 (1)

Paragraphs 2 to 4 entitling the person to refuse to testify may be requested. The same applies within 14 days of disclosure on the basis of a decision pursuant to Section 96 (2) or Section 96b.

4) Documents or data carriers requested to be sealed shall be separated during the house search or, in the event of surrender, shall be marked separately. Sealing shall be carried out by the court or the state police responsible for the house search. For this purpose, the papers and data carriers shall be placed in a suitable container, which shall be sealed with an official seal or, if this does not appear feasible, secured in another suitable manner against unauthorized access or alteration. The person concerned who is present during the search shall also be allowed to affix a seal.

5) The court must unseal the container without delay, whereby the person concerned under paragraph 2, item 2, or paragraph 3 must be requested to be present. If they fail to appear in response to such a request or if the request cannot be delivered to them, the unsealing shall be carried out in their absence. If the whereabouts of the person concerned are abroad or cannot be determined without special procedural effort, their hearing may be dispensed with.

6) A record shall be made of the unsealing, in which the sealed documents or data carriers shall be listed and the statement of the person concerned and the application for the complete or partial lifting of the seizure shall be recorded. If the court grants the request of the persons entitled to refuse to testify pursuant to § 108 (1) nos. 2 to 4 in whole or in part, this shall be noted in the record and the documents or data carriers shall be returned to the person concerned immediately to the extent granted.

7) If the request under paragraph 6 is not granted, the person concerned may lodge an appeal against this decision with the higher court within 14 days. At the same time as this appeal, the seizure decision may also be challenged. In this case, the documents or data carriers concerned shall be separated by the court until the decision becomes final.

§ 98a

Repealed

IV. Seizure and opening of letters and other mail

§ 99

If the accused is already in custody for an intentional criminal offense punishable by more than one year's imprisonment, or if his or her appearance or arrest has been ordered for such an offense, the investigating judge may seize telegrams, letters, or other items sent by the accused or addressed to him, and demand their delivery from the transport companies. The latter are also obliged, at the request of the public prosecutor's office, to retain such items until a court order is received; however, if no such order is issued by the investigating judge within three days, they may not further delay delivery.

§ 100

- 1) The opening of seized mail may only be carried out by the investigating judge.
- 2) During the opening, which must be recorded in a report, the seals must not be broken; envelopes and addresses must be retained.

§ 101

The seizure of mail shall be notified to the accused or, if he is absent, to one of his relatives immediately and within twenty-four hours at the latest. Once the mail has been opened, letters and telegrams shall be communicated to the accused or to the person to whom they are addressed, in full or in part, in the original or in copy, provided that the disclosure of their contents is not likely to prejudice the investigation. If the accused is absent, the communication shall be made to one of his relatives. If the accused has no relatives, the letter shall be returned to the sender if the judge considers this to be in the sender's interest, or, if the letter or telegram must remain on file, the sender shall be notified of the seizure.

§ 102

Seized items that are not deemed necessary to open shall be delivered without delay to the addressees or returned to the transport company.

IVa. Use of stored data

Section 102a

- 1) Providers within the meaning of the Communications Act shall, insofar as this is necessary for the investigation of a crime (Section 17 (1) StGB), an offense under Sections 105 to 107a,

118a, 119, 119a, 123, 124, 126a to 126c, 131a, 168a, 201, 203, 204, 207 to 216, 218 to 219, 225a, 278, 279 to 283, 288, 289, 292, 293, 295, 299 to 301, 304 to 311, 319, and 320 of the Criminal Code, an offense under Articles 83 to 85 of the Foreign Nationals Act, an offense under Articles 62 to 65 of the Free Movement of Persons Act, a misdemeanor under the Narcotics Act, or a misdemeanor under the Communications Act, shall be required by court order to disclose retained data to the law enforcement authorities if the subscriber or user of the connection is themselves strongly suspected of having committed the offense or if they give their written consent after being informed accordingly.

2) A decision pursuant to paragraph 1 shall in any case be served on the provider; the copy for the provider shall consist of the operative part of the decision ordering the disclosure. Service on the subscriber or user of the connection concerned may be postponed if it would jeopardize the purpose of the investigation. The provider must be informed of this and must keep all facts and proceedings relating to the court order confidential for the time being. This duty of confidentiality also applies to all persons involved in the provider's activities.

3) If the provider unlawfully refuses to disclose retained data, the provider may be required to do so by imposing a coercive fine of up to CHF 50,000, provided that the provider is not suspected of having committed a criminal offense or is exempt from the obligation to testify.

V. Surveillance of electronic communications

§ 103

1) The ordering of the surveillance of electronic communications, including the recording of their content, is only permissible if it can be expected that this will assist in the investigation of an intentional criminal offense punishable by more than one year's imprisonment and if

1. the owner of the communications system is themselves strongly suspected of having committed the offense, or
2. there are reasons to believe that a person strongly suspected of having committed the offense is staying with the owner of the system or will contact him using the

system, unless the owner is one of the persons referred to in Section 108 (1) No. 2, or

3. the owner of the system expressly consents to the surveillance.

2) The investigating judge is authorized to order the surveillance of electronic communications.

2a) The investigating judge shall issue a separate order to the provider within the meaning of the Communications Act, specifying the order pursuant to paragraph 2 and the scope of the surveillance of electronic communications, as well as any obligation to keep facts and proceedings related to the order confidential from third parties. This decision shall consist of the ruling of the decision by which the order is decided. Section 9(4) and the provisions on house and personal searches shall apply *mutatis mutandis*.

3) The state police shall be requested to carry out the surveillance of electronic communications in agreement with the providers within the meaning of the Communications Act (§ 10). Notifications to parties or other participants in the proceedings shall initially be withheld.

4) The ordered surveillance is limited to three months. If the need for surveillance continues after this period has expired, the above paragraphs shall be followed again.

§ 104

1) As soon as the conditions for further surveillance of electronic communications no longer apply, the investigating judge shall order the immediate termination of the surveillance.

2) After the surveillance has ended, the investigating judge must inform the owner of the monitored communications system and the suspect (accused) of the fact that surveillance has taken place. At the same time, the owner of the communications system must be given the opportunity to inspect the recordings, as must the suspect (accused) who is not the owner of the communications system, but only to the extent that the recordings could be relevant to current or future criminal proceedings against him. During the inspection, the owner of the communications system and the suspect (accused) may request that the records they have inspected be retained. If no such request is made, the investigating judge shall only include the records in the files to the extent that they may be relevant to the current or future criminal proceedings

; he must have the recordings that are not included in the files destroyed.

3) In any case, recordings of conversations between a suspect (defendant) and his defense counsel (§ 108 (1) No. 2) must be destroyed, unless both parties agree to their retention.

4) If the owner of the monitored communications system considers himself aggrieved by the fact that the monitoring has been ordered, approved, or maintained, or that the storage of a recording has been ordered, he may lodge an appeal with the High Court within fourteen days of notification by the investigating judge. If the complaint is found to be justified, an order shall be issued at the same time that all recordings obtained through unlawful surveillance are to be destroyed, unless their storage has been requested in accordance with paragraphs 2 or 3.

VI. Observation, covert investigation, and sham transactions

§ 104a

1) The state police are authorized to secretly monitor the behavior of a person (surveillance) on their own initiative if this can assist in the investigation of a criminal offense or in locating the whereabouts of a suspect.

2) The following are permitted to support observation, provided that it would otherwise be futile or significantly more difficult:

1. the covert use of devices for image recording and image transmission in publicly accessible places, and

2. the covert use of devices that enable the location of the person being monitored to be determined by means of signal transmission, as well as the opening of vehicles and containers for the purpose of installing such devices.

3) Provided that the surveillance

1. is supported by the use of devices in accordance with paragraph 2 or

2. is to be carried out over a period of more than 48 hours,

it is only permissible if there is suspicion of an intentionally committed criminal offense punishable by more than one year's imprisonment and if, on the basis of specific facts, it can be assumed that the person under surveillance has committed the criminal offense or will establish contact with the accused

or that the whereabouts of a fugitive or absent accused person can be determined as a result.

4) Surveillance pursuant to paragraph 3 shall be ordered by the investigating judge at the request of the public prosecutor's office for the period of time likely to be necessary to achieve its purpose, but for no longer than three months. The state police shall be requested to carry out the surveillance (Section 10). However, in cases of imminent danger, the state police shall be entitled to commence surveillance on its own initiative; however, it shall immediately report to the public prosecutor's office, which shall then apply for a court order, unless the surveillance is to be terminated beforehand. A new order is permissible if the conditions continue to exist and if, on the basis of certain facts, it can be assumed that further surveillance will be successful. The parties or other participants in the proceedings must not be informed at this stage.

5) Surveillance must be terminated if the conditions for it no longer apply, if its purpose has been achieved or is unlikely to be achieved, or if the investigating judge orders its termination. After the observation has been terminated in accordance with paragraph 3, the accused and the persons concerned shall be informed of the fact of the observation, provided that their identity is known or can be ascertained without major procedural effort. This notification may be postponed as long as it would jeopardize the purpose of the investigation in this or another proceeding.

§ 104b

1) The state police are authorized to deploy their own officers or other persons who do not disclose or reveal their official position or mission (undercover investigation) on their behalf if this can assist in the investigation of a criminal offense.

2) A systematic, covert investigation conducted over a longer period of time is only permissible if it is necessary to investigate an intentional crime punishable by more than one year's imprisonment or to prevent a crime planned within the framework of a criminal or terrorist association or a criminal organization (Sections 278 to 278b of the Liechtenstein Criminal Code (StGB)), would otherwise be significantly more difficult. Insofar as this is essential for the investigation or prevention, it is also permissible to produce documents that misrepresent the identity of a state police authority and to use them in legal transactions to fulfill the purpose of the investigation.

3) A covert investigation pursuant to paragraph 2 shall be ordered by the investigating judge at the request of the public prosecutor, who shall instruct the state police to carry it out (Section 10 (1)). Pursuant to paragraph 2, it may only be ordered or approved for the period of time that is likely to be necessary to achieve its purpose, but for no longer than three months. A new order is permissible if the conditions continue to exist and if, on the basis of certain facts, it can be assumed that the further conduct of covert investigations will be successful. The undercover investigator must be supervised and regularly monitored by the state police. His deployment and the circumstances surrounding it, as well as any information and communications obtained by him, must be recorded in an official report (Section 47 (2)), insofar as they may be relevant to the investigation. Undercover investigators may only enter apartments and other rooms protected by domiciliary rights with the consent of the owner. Consent may not be obtained by deception regarding access authorization.

4) A covert investigation must be terminated if the conditions for it no longer apply, its purpose has been achieved or is unlikely to be achieved, or if the investigating judge orders its termination.

5) Communications between parties or other participants in the proceedings must initially be suspended. After the covert investigation has been terminated in accordance with paragraph 2, the accused and the persons concerned, insofar as their identities are known or can be ascertained without major procedural effort, must be informed of the fact that a covert investigation has taken place. However, this notification may be postponed if it would jeopardize the purpose of the investigation in this or another proceeding.

§ 104c

1) At the request of the public prosecutor's office and following a decision by the regional court, the state police is authorized to carry out a sham transaction (paragraph 2) if the investigation of a crime (Section 17 (1) StGB) or the seizure of objects or assets originating from a crime or threatened by confiscation (Section 19a StGB), forfeiture (Section 20 StGB), extended forfeiture (Section 20b StGB) or confiscation (Section 26 StGB), would otherwise be significantly more difficult. Under these conditions, it is also permissible to contribute to the execution of a sham transaction by third parties (Section 12, third case, StGB).

2) A fictitious transaction within the meaning of this Act is the attempt or apparent execution of criminal offenses, insofar as these consist of the acquisition, possession, import, export, or transport of objects or assets that have been misappropriated, originate from a crime, are intended for the commission of such a crime, or whose possession is absolutely prohibited.

3) The execution of a sham transaction shall be ordered by the investigating judge at the request of the public prosecutor, who shall instruct the state police to carry it out (§ 8).

3) After a sham transaction has been carried out, the accused and any other persons affected, provided their identity is known or can be ascertained without major procedural effort, shall be informed of the fact of the sham transaction. However, this notification may be postponed if it would jeopardize the purpose of the investigation in this or another proceeding.

VII. Protection of spiritual confidentiality and professional secrecy

§ 104d

1) Clerical confidentiality is protected (§ 106 (1)); it may not be circumvented in the event of nullity, in particular not by ordering or carrying out the investigative measures contained in this main section.

2) The ordering or implementation of the investigative measures contained in this main section is also inadmissible if it circumvents a person's right to refuse to testify in accordance with § 108 (1) nos. 2 to 4.

3) A prohibition on circumvention pursuant to paragraphs 1 and 2 shall not apply if the person concerned is themselves strongly suspected of having committed the offense.

X. Main section

On the examination of witnesses

§ 105

1) As a rule, anyone who is summoned as a witness is obliged to comply with the summons and to testify about what they know about the subject matter of the investigation.

1a) If the witness is unable to appear in person for factual reasons, they may be examined using technical equipment for voice and image transmission.

2) The summons must contain the subject matter of the proceedings and the hearing, as well as the place, date, and time of their commencement. Victims must be informed of their essential rights in the proceedings (§ 31a), unless this has already been done previously. Everyone is obliged to comply with such a summons and, in the event of unjustified failure to appear, may be brought before the court under the conditions set out in § 113 if this was expressly threatened in the summons.

§ 106

1) The following persons may not be heard as witnesses, otherwise their testimony shall be null and void:

1. Clergymen about what has been confided to them in confession or otherwise under the seal of spiritual confidentiality;
2. Civil servants (Section 74 (1) Nos. 4 and 4a StGB) if their testimony would violate their official secrecy obligations, unless they have been released from this obligation by their superiors;
3. Persons who, at the time they are required to testify, are unable to tell the truth due to mental illness, mental disability, or any other reason.

2) However, there is no obligation to maintain confidentiality under paragraph 1(2) if the witness has made observations on the subject matter of the proceedings in the course of criminal proceedings or if there is a duty to report (§ 53).

§ 107

1) The following persons are exempt from the obligation to testify:

1. Persons who are required to testify in proceedings against a relative (Section 72 of the Criminal Code), whereby a person's status as a relative based on marriage or registered partnership remains valid for the assessment of the right to refuse to testify, even if the marriage or registered partnership no longer exists, which also applies *mutatis mutandis* to *de facto* cohabitation;
2. Persons who may have been injured by the offense with which the accused is charged and who, at the time of their examination, have not yet reached the age of eighteen or may have been injured in their sexual sphere, if the parties had the opportunity to participate in a previous adversarial examination (Sections 115a, 195).

2) According to paragraph 1, no. 1, an adult who is involved in the proceedings as a private party (Section 32) is not exempt from testifying.

3) If the exemption from testifying in proceedings against several defendants applies only to one of them, the witness is only exempt with regard to the others if it is not possible to separate the statements. The same applies if the reason for the exemption relates only to one of several facts.

4) Witnesses must be informed of their exemption from the obligation to testify before their examination or as soon as the reason for the exemption becomes known, and their statement to this effect must be recorded in the minutes. The instruction may also be given by an expert (Section 115a (2)). In any case, the age and condition of the witness must be taken into account when giving the instruction. If the witness has not expressly waived his exemption from the obligation to testify, his entire testimony shall be null and void.

§ 108

1) The following persons are entitled to refuse to testify:

1. Persons, insofar as they would expose themselves or a relative (Section 107 (1) No. 1) to the risk of criminal prosecution or, in connection with criminal proceedings against them, to the risk of incriminating themselves beyond their previous testimony;

2. defense attorneys, lawyers, legal agents, patent attorneys, and notaries regarding what has become known to them in this capacity;

3. Specialists in psychiatry and psychotherapy, non-medical psychotherapists, psychologists, probation officers, mediators under the Civil Law Mediation Act, and employees of recognized institutions for psychosocial counseling and care as well as for pregnancy conflict counseling regarding what has become known to them in this capacity;

4. Media owners (publishers), media employees, and employees of a media company or media service regarding questions concerning the author, sender, or guarantor of contributions and documents, or relating to communications made to them in connection with their work;

5. Persons eligible to vote on how they exercised a right to vote or ballot that is declared secret by law.

2) The following may refuse to answer individual questions:

1. Persons who would otherwise expose themselves or a relative (Section 107 (1) No. 1) to shame or the risk of immediate and significant financial disadvantage;
2. Persons who have been or could have been violated in their sexual sphere by the offense with which the accused is charged, insofar as they would have to disclose details of the offense which they consider unreasonable to describe;
3. Persons, insofar as they would have to disclose circumstances from their own personal life or the personal life of another person.
- 3) The right of the persons referred to in paragraph 1, items 2 to 4, to refuse to testify may not be circumvented, on pain of nullity, in particular by:
 1. seizing and confiscating documents and information stored on data carriers that were newly created as a result of the care relationship;
 2. the use of stored data; or
 3. questioning assistants or persons participating in training for the professional activity referred to in paragraph 1, points 2 to 4.
- 4) The persons referred to in paragraph 2 may be compelled to testify despite their refusal if this is indispensable due to the particular significance of their testimony for the subject matter of the proceedings.
- 5) Witnesses shall be informed of their right to refuse to testify in whole or in part before they are questioned or as soon as there are indications that they have such a right. Section 107(4), second and third sentences, shall apply *mutatis mutandis*. If a witness who has the right to refuse to testify under paragraph 1, items 2 to 5, has not been informed of this right in good time, that part of his or her testimony to which the right of refusal relates shall be null and void. The recorded minutes shall be destroyed in this respect.

§ 109

Persons who are prevented from appearing in court due to illness or infirmity may be examined in their home.

§ 110

Members of the princely house shall be questioned in their homes.

§ 111

If witnesses who are abroad are to be examined, the competent foreign judge shall, as a rule, be requested to examine them. The latter shall be informed of the subjects and questions to be covered by the examination, and at the same time a request shall be made to extend the examination, depending on the circumstances, to include such questions as may arise from the content of the witness's testimony. However, if the personal appearance of such a witness before the court is deemed necessary, and if the witness does not appear voluntarily, a report must be made to the government.

§ 112

1) If the person to be examined holds public office or is in public service and, in order to safeguard public safety or other public interests, a substitute must take their place during their absence, their immediate superior shall be notified of their summons at the same time.

2) This provision shall also apply if employees of railways or other enterprises where, for reasons of public safety, special arrangements may be necessary for the replacement of the summoned person, if medical personnel in state or municipal service or persons in public or private forestry service are to be summoned.

§ 113

If a witness fails to comply with the summons served on him, he shall be summoned again under threat of a fine of up to 1,000 francs in the event of non-appearance and under the further threat that a warrant for his arrest will be issued. If the witness still fails to appear without valid reasons, the investigating judge shall impose the fine and issue the summons. In urgent cases, the investigating judge may issue a summons after the first unjustified failure to appear. The witness shall reimburse the costs of the summons.

§ 114

If the witness appears but refuses to testify or take the oath of witness without legal grounds, the investigating judge may impose a coercive fine of up to CHF 1,000 and, in the event of further refusal in

in important cases, by imposing coercive detention of up to six weeks, without this necessitating the continuation or termination of the investigation.

§ 115

1) As a rule, each witness shall be examined individually without the presence of the prosecutor, the private party, the accused, their representatives, or other witnesses.

2) However, at the request of the witness, a person they trust must be allowed to be present during the hearing. This right and the right to advice, support, and representation by the victim assistance service (Section 31a (2)) must be indicated in the summons. Persons who are suspected of involvement in the crime, who have been or are to be examined as witnesses, who are otherwise involved in the proceedings, or who give reason to believe that their presence could influence the witness to make a free and complete statement may be excluded as trusted persons. Confidential advisors are obliged to maintain confidentiality regarding their observations during the examination (Section 301 (2) StGB).

3) In the case of the questioning of a person under the age of 18, a mentally ill person, or a mentally disabled person, a person they trust must be present in any case, insofar as this is in their interest.

Section 115a

1) If there is reason to fear that the examination of a witness in the final hearing will not be possible for factual or legal reasons, the investigating judge shall give the prosecutor, the private party, and the accused, as well as their representatives, the opportunity to participate in the examination and to ask questions of the witness. Sections 186 and 197 (1) and (2) shall apply *mutatis mutandis*. The investigating judge may arrange for the examination to be audio or video recorded. In this case, a written summary of the content of the examination may be prepared in place of a transcript, which shall be signed by the judge and included in the file. Insofar as this is necessary for the assessment of the case, the statement shall be reproduced verbatim in the summary.

2) In the interests of the witness, particularly in view of his young age or his mental or physical condition, or in the interests of establishing the truth, the investigating judge may restrict the opportunity for participation to such an extent

so that the parties and their representatives can follow the examination of the witness, if necessary using technical equipment for voice and image transmission, and exercise their right to ask questions without being present during the examination. In particular, where there is a special need for protection, an expert should be appointed to conduct the examination if possible. In any case, care must be taken to ensure that the witness does not meet the accused if possible.

3) A witness who has not yet reached the age of eighteen and who may have been violated in his or her sexual sphere by the offense with which the accused is charged shall in any case be heard by the court in the manner described in paragraph 2; the other witnesses mentioned in § 107 (1) shall be heard if they or the public prosecutor so request.

4) Before the hearing, the investigating judge shall inform the witness of his or her rights under paragraph 3 and that the minutes may be read out and audio or video recordings of the hearing may be played at the final hearing, even if he or she should decline to testify in further proceedings. These instructions and any statements made in this regard shall be recorded in the minutes; they may also be carried out by the expert (paragraph 2). The age and condition of the witness shall be taken into account in any instruction.

§ 116

If a witness is not proficient in the German language, an interpreter shall be called in unless both the investigating judge and the clerk are proficient in the foreign language. The witness's testimony shall only be recorded in this language in the minutes or in an appendix if it is necessary to quote the witness's own words verbatim (§ 48 (3)).

§ 117

If a witness is deaf, the questions shall be presented to him in writing, and if he is mute, he shall be asked to answer in writing. If neither of these methods of questioning is possible, the witness must be questioned with the assistance of one or more persons who are proficient in sign language or otherwise skilled in communicating with deaf-mute persons and who must first be sworn in as interpreters.

§ 118

Before being examined, the witness shall be admonished to answer the questions put to him to the best of his knowledge and belief, to conceal nothing, and to make his statement in such a way that he can confirm it under oath if necessary.

§ 119

1) The witness shall then be asked for their first and last names, date of birth, place of birth or origin, occupation, and place of residence or any other address suitable for the summons, as well as, if necessary, their relationship to the accused. If the examination takes place in the presence of other persons, this shall be done in such a way that these circumstances do not become public knowledge.

2) Questions about any criminal proceedings against the witness and their outcome, as well as questions about circumstances relating to the witness's personal life, may not be asked unless this appears to be absolutely necessary in the particular circumstances of the case.

§ 119a

If, on the basis of certain facts, there is reason to fear that the witness would expose himself or a third party to serious danger to life, health, physical integrity, or freedom by disclosing his name and other personal details (§ 119 (1)) or by answering questions that would allow conclusions to be drawn about such matters, he may be permitted not to answer such questions. health, physical integrity, or freedom, he may be permitted not to answer such questions. In this case, the witness may also alter his appearance in such a way that he cannot be recognized. However, they are not permitted to cover their face in such a way that their facial expressions cannot be perceived to the extent necessary to assess the credibility of their testimony.

§ 120

When questioning the witness about the matter itself, the witness should first be asked to give a coherent account of the facts constituting the subject matter of the testimony, and then to supplement this account and clarify any ambiguities or contradictions. In particular, the witness shall be asked to state the basis of his knowledge. Questions which confront him with facts that are only to be established by his answer shall be avoided as far as possible and, if they must be asked, shall be recorded in the minutes.

§ 121

1) A witness may be confronted with several persons—either openly or covertly—one of whom is a suspect. Beforehand, the witness must be asked to describe the distinguishing features of the suspect; the persons confronted must resemble this description as closely as possible. The witness must then be asked to state whether they recognize a person and on what grounds. This process must be recorded and may be supported by appropriate imaging techniques.

2) The same applies to the viewing of photographs and the listening to voice samples. Even if the witness is to recognize objects that are important as evidence, he must first be asked to describe the object and, if necessary, its distinguishing features.

3) Furthermore, a confrontation between the accused or a witness and other witnesses or accused persons is permissible if the respective statements differ significantly from one another and it can be assumed that this will help to clarify the contradictions. The persons confronted with each other shall be questioned separately about each individual circumstance of their differing or contradictory statements; the answers given by both sides shall be recorded.

§ 122

After completing their testimony, every witness who has testified on a matter of significance to the case, or whom the investigating judge considers necessary to swear in order to obtain full certainty that they have no further knowledge, shall swear to their testimony.

§ 123

The following persons may not be sworn in, otherwise the oath shall be null and void:

1. those who are themselves under investigation or suspected of having committed or participated in the criminal offense for which they are being wiretapped;
2. who are under investigation for an intentional criminal offense punishable by more than one year's imprisonment or who have been convicted of such an offense and still have to serve their sentence;
3. who have already been convicted in court for giving false evidence;

4. who have not yet reached the age of fourteen at the time of their interception;
5. who suffer from a significant impairment of their perception or memory;
6. who are in enmity with the accused against whom they are testifying, which, depending on their personalities and taking into account the circumstances, is such as to preclude the full credibility of the witnesses;
7. who have stated essential circumstances in their interrogation which have been proven to be untrue and which they cannot prove to be a mere error.

§ 124

- 1) During their examination as witnesses, the injured party shall be asked in particular whether they are joining the criminal proceedings as a private party.
- 2) Even if the private party acts as a prosecutor (§ 173), all provisions governing the examination of witnesses shall apply.

XI. Main section

On the summons, appearance, arrest, and pretrial detention of the accused

I. Summons and appearance

§ 125

- 1) Unless otherwise provided by law, the accused shall first be summoned for questioning.
- 2) This summons is issued by delivering a written and sealed summons signed by the investigating judge and addressed to the person to be summoned. This must contain the name of the court and the person summoned, a general description of the subject matter of the investigation, the place, date, and time of appearance, and a statement that the person summoned is to be questioned as a defendant and, in the event of their failure to appear, will be brought before the court in person.

§ 126

- 1) If the person summoned fails to appear without having given a sufficient excuse, a written order for their appearance shall be issued against them.

2) The investigating judge may order the suspect to be brought in for immediate questioning if, on the basis of certain facts, it can be assumed that the suspect would otherwise evade the proceedings or tamper with evidence. If such an order cannot be obtained due to imminent danger, or if the suspect is caught in the act or immediately afterwards is credibly accused of committing the offense, or is caught with objects that indicate his involvement in the offense, the state police may bring him in on their own initiative.

II. Arrest and pre-trial detention

§ 127

1) Even without a prior summons, the investigating judge may order the arrest of a suspect of a crime or misdemeanor

1. if the suspect is caught in the act or immediately after committing a crime or offense and is credibly accused of being the perpetrator, or is caught with weapons or other objects that originate from the crime or offense or otherwise indicate his involvement in it;

2. if he is on the run or in hiding, or if, based on certain facts, there is a risk that he will evade criminal proceedings, in particular by leaving his place of residence without permission or by failing to comply with a summons to the final hearing, or if he will flee or go into hiding because of the severity of the punishment he is likely to face or for other reasons;

3. if he has attempted to influence witnesses, experts, or co-defendants, to cover up traces of the crime, or to otherwise obstruct the investigation of the truth, or if, based on certain facts, there is a risk that he will attempt to do so, or

4. if, based on certain facts, it can be assumed that he will commit a criminal offense directed against the same legal interest as the one he is accused of, or that he will carry out the act he is accused of, attempted, or threatened.

2) In the case of a crime for which the law provides for a minimum sentence of ten years' imprisonment, the arrest of the suspect must be ordered unless certain facts give reason to believe that all the grounds for detention listed in paragraph 1, items 2 to 4, can be ruled out.

3) An arrest warrant pursuant to paragraphs 1 and 2 is not permissible if the detention is disproportionate to the significance of the matter.

§ 128

1) The investigating judge shall order the arrest by means of a decision in which the conditions for arrest (§ 127) are to be stated; a copy of the order shall be served on the suspect immediately upon his arrest or within the next 24 hours.

2) If one of the persons mentioned in § 112 is arrested, their immediate superior shall be notified immediately and, unless there are special reasons to the contrary, already of the arrest warrant (para. 1). If the detention is lifted, this shall also be communicated immediately.

3) The investigating judge and the public prosecutor must be notified immediately of the arrest, stating the date, hour, and time; the public prosecutor must immediately, but within 48 hours at the latest, file a motion for release or for remand in custody.

§ 128a

Upon arrest or immediately thereafter, every arrested person shall be informed of the suspicion against them and the reason for their arrest, as well as of their right to notify a relative or other trusted person and a defense attorney, and of their right to remain silent. They shall be advised that their statement may be used in their defense, but may also be used as evidence against them.

§ 129

1) In exceptional cases, the suspect may be arrested by the state police without a written order for the purpose of being brought before the investigating judge:

1. in the case of § 127 (1) No. 1;

2. in the cases of § 127 (1) nos. 2 to 4 and § 127 (2), if it is not feasible to obtain the preliminary order of the investigating judge due to imminent danger.

2) The arrested person shall be questioned immediately about the matter and the grounds for the arrest, and if it transpires that there are no longer any grounds for his detention, he shall be released immediately. If release from custody is not possible, the public prosecutor shall be notified immediately; if the public prosecutor declares that

If the public prosecutor does not intend to apply for remand in custody, the arrested person must be released immediately. Otherwise, the public prosecutor's office must immediately notify the court of the arrest of the accused (Section 128 (3) first sentence) and submit the application for remand in custody without delay, but no later than 48 hours after the arrest.

3) Detention may not be maintained if its purpose can be achieved by less severe means pursuant to Section 131 (5) Nos. 1 to 4 and 5 to 7. In this case, provided that the public prosecutor's office agrees, the state police shall immediately issue the necessary instructions, take the oaths from him or take the documents referred to in § 131 (5) nos. 5 and 6 from him and release the suspect. The results of the investigations, together with the records of the instructions given and the oaths taken, as well as the documents taken, shall be forwarded to the public prosecutor's office together with the results of the investigation within 48 hours of the arrest. The investigating judge shall decide by order whether to maintain these less severe measures.

4) Arrest and continued detention pursuant to paragraphs 1 and 2 are not permissible if they are disproportionate to the significance of the matter.

§ 130

1) Every arrested person must be questioned by the investigating judge immediately, but no later than 48 hours after the application for remand in custody has been filed. At the beginning of the hearing, the investigating judge must inform the arrested person of the charges against them and point out that they are free to make a statement or not to testify on the matter and to consult with a defense attorney beforehand. They must be made aware that their statement may be used in their defense, but may also be used as evidence against them.

2) After the interrogation, the investigating judge must immediately decide whether the accused is to be released, possibly with the application of less severe measures (§ 131 (5)), or whether he is to be remanded in custody. However, the investigating judge may, before making his decision, carry out or have carried out immediate investigations if their results are likely to have a decisive influence on the assessment of the suspicion of an offense and the grounds for detention. In any case, the investigating judge must decide on remand within 48 hours of the accused being handed over.

3) The decision of the investigating judge, together with the reasons for it, shall be communicated to the accused immediately; this shall be noted in the minutes. A decision to release the accused shall be served on the public prosecutor within 24 hours; a copy shall be sent to any probation officer who may have been appointed. If the decision is to impose pre-trial detention, service on the accused must be effected within 24 hours; copies must be sent immediately to the state prison and to any probation officer who may have been appointed. The accused cannot effectively waive service.

4) The decision to impose pre-trial detention must contain:

1. the name of the accused and other personal details,
2. the offense of which the accused is strongly suspected, the time, place, and circumstances of its commission, and its legal description,
3. the grounds for detention,
4. the specific facts giving rise to the strong suspicion and the grounds for detention, and the reasons why the purpose of detention cannot be achieved by less severe means,
5. notification of the date until which the detention order is valid at the latest, as well as notification that a detention hearing will be held before any continuation of detention, unless one of the cases mentioned in § 132 (3), (4), or (6) applies,
6. notification that the accused may inform or have a relative or other trusted person informed of the imposition of pre-trial detention,
7. a statement that the accused must be represented by a defense attorney while in pretrial detention,
8. notification that the accused has the right to lodge an appeal with the higher court within seven days of delivery of the decision and that he may apply for release from custody at any time.

5) The accused and the public prosecutor may lodge an appeal against a decision pursuant to paragraph 2 with the High Court within seven days of service. An appeal by the accused against the imposition of pre-trial detention triggers the one-month detention period (§ 132 (2) (2)) upon receipt. A subsequent decision by the High Court to continue pre-trial detention triggers the two-month detention period (Section 132 (2) (3)). The period begins on the day of the decision. Paragraph 4 (1) to (5) applies *mutatis mutandis*.

1) Pre-trial detention may only be imposed at the request of the public prosecutor and only if an investigation has been initiated or charges have been brought against the accused and the accused is strongly suspected of a specific offense, one of the grounds for detention listed in paragraphs 2 or 7 applies, and the accused has already been questioned by the investigating judge about the matter and the conditions for pretrial detention. It may not be imposed or continued if it is disproportionate to the significance of the case or the expected penalty, or if its purpose can be achieved by less severe means (para. 5).

2) Apart from the cases referred to in paragraph 7, the imposition of pre-trial detention requires that, on the basis of certain facts, there is a risk that the accused will flee

1. due to the severity of the punishment he or she is likely to receive or for other reasons, hide or otherwise evade criminal proceedings, in particular by leaving his or her place of residence without permission or failing to comply with a summons to the final hearing (risk of absconding),

2. attempt to influence witnesses, experts, or co-defendants, to destroy evidence of the crime, or otherwise to obstruct the investigation of the truth (risk of obstruction of justice), or

3. regardless of the criminal proceedings against them

a) commit a criminal offense with serious consequences that is directed against the same legal interest as the criminal offense with serious consequences with which he is charged;

b) commits a criminal offense with more than minor consequences that is directed against the same legal interest as the criminal offense with which he is charged, if he has either already been convicted of such a criminal offense or if he is now charged with repeated or continued acts;

c) commits a criminal act which, like the criminal act with which he is charged, is directed against the same legal interest as the criminal acts for which he has already been convicted twice;

d) carry out the attempted or threatened act of which he is accused.

3) In any case, there is no risk of absconding if the accused is suspected of a criminal offense punishable by no more than five years' imprisonment, has a stable lifestyle, and has a permanent residence in the country, unless he has already made preparations to abscond or taken other measures to evade the proceedings. When assessing the grounds for detention under paragraph 2(3), particular weight shall be given to whether the accused poses a danger to human life and limb or the danger of committing crimes in a criminal organization or terrorist association (Sections 278a and 278b of the Criminal Code). Furthermore, when assessing this ground for detention, consideration must be given to the extent to which the danger has been reduced by changes in the circumstances under which the offense with which the accused is charged was committed.

4) Pre-trial detention may not be imposed or maintained if the purposes of detention can also be achieved by simultaneous imprisonment or detention of another kind. If the imposition or maintenance of pretrial detention is waived due to simultaneous imprisonment, the investigating judge must order the deviations from the execution of the prison sentence that are indispensable for the purposes of the investigation.

5) The following less severe measures may be applied:

1. a pledge not to flee, go into hiding, or leave their place of residence without the permission of the investigating judge until the criminal proceedings have been legally concluded;
2. a pledge not to attempt to obstruct the investigation; 2a. in cases of domestic violence (Art. 24g (1) of the Police Act), a pledge to refrain from any contact with the person at risk and the instruction not to enter a specific apartment and its immediate surroundings or to violate an existing restraining order pursuant to Art. 24g (2) and (3) of the Police Act or a temporary injunction pursuant to Art. 277a of the Enforcement Code, including the surrender of all keys to the apartment;
3. the instruction to live in a specific place with a specific family, to avoid a specific apartment, specific places, or specific associations, to refrain from consuming alcoholic beverages or other intoxicating substances, or to pursue regular employment;

4. the instruction to report any change of residence or to report to the court or another authority at specific intervals;

4a. with the consent of the accused, the instruction to undergo detoxification treatment, other medical treatment or psychotherapy (Section 51 (3) StGB) or a health-related measure;

5. the temporary confiscation of travel documents;

6. the temporary confiscation of the documents required to drive a vehicle;

7. the provision of security in accordance with Sections 138 to 140;

8. the ordering of provisional probation assistance pursuant to Section 144b.

6) If the purposes of detention cannot be achieved by simultaneous imprisonment or other types of detention or by the application of less severe measures, or if the investigation would be significantly impeded by the continuation of imprisonment or other types of detention, the investigating judge shall order pre-trial detention. In the case of imprisonment, this results in an interruption of the execution of the sentence.

7) In the case of a crime for which the law prescribes a minimum sentence of ten years' imprisonment, pre-trial detention must be imposed unless certain facts give reason to believe that none of the grounds for detention listed in paragraph 2 apply.

8) Repealed

9) Repealed

§ 132

1) Decisions to impose or continue pretrial detention, as well as decisions by the higher court to continue pretrial detention (§ 132a para. 4), are effective for a specific period of time at most (detention period); the expiration date must be stated in the decision. Before the expiration of the detention period, a detention hearing must be held or the accused must be released from detention.

2) The detention period shall be

1. 14 days from the imposition of pre-trial detention;

2. one month from the first continuation of pre-trial detention;

3. two months from the further continuation of pre-trial detention.

3) With the legally binding transfer to the indictment stage or the scheduling of the final hearing by the single judge, the current detention period ends only two

months after this date; however, if the single judge orders the final hearing within the first period of detention (para. 2 no. 1), it ends one month after the order. If the period of detention would expire before the start of the final hearing and the accused cannot be released from detention, the presiding judge (single judge) must conduct a detention hearing. The same applies if the accused requests release from custody and a decision cannot be made without delay in the final hearing.

4) If it is impossible to hold the detention hearing before the end of the detention period due to an unforeseeable or unavoidable event, the detention hearing may be postponed to one of the three working days following the end of the period; in this case, the detention period shall be extended accordingly. The reasons for the postponement shall be stated in the decision (§ 132a (3)).

5) If two detention hearings have already taken place, the accused may waive the right to a further detention hearing. In this case, the decision on the revocation or continuation of pre-trial detention (§ 132a (3)) may be issued in writing without a prior oral hearing.

6) Furthermore, the validity of the most recent decision on the imposition or continuation of pre-trial detention is no longer limited by the detention period from the start of the final hearing; detention hearings ex officio no longer take place after this point in time.

Section 132a

1) The detention hearing is presided over by the investigating judge; it is not open to the public. The public prosecutor, the defense attorney, the legal representative, and the probation officer must be summoned to the hearing; the accused must be notified of this date.

2) The accused must be brought to the hearing, unless this is not possible due to illness. He must be represented by a defense attorney.

3) First, the prosecutor presents his motion for continuation of pre-trial detention and gives reasons for it. The accused, his defense counsel, and his legal representative have the right to respond. The probation officer may comment on the question of detention. The parties may request additional findings from the file. The investigating judge may, ex officio or at the suggestion of the parties, hear witnesses or take other evidence, insofar as he considers this necessary.

deems appropriate; the parties have the right to ask questions. The hearing must not jeopardize the achievement of the purpose of the investigation. The accused or his defense counsel shall have the right to make a final statement. The investigating judge shall then decide whether to lift or continue the pre-trial detention by means of a ruling, which shall be announced orally and issued in writing. Section 130 (4) nos. 1 to 5 and 8 shall apply *mutatis mutandis*.

4) The accused and the public prosecutor may lodge an appeal against a decision under para. 3 with the High Court within three days of the decision being announced (§ 239). If the High Court decides to continue the pre-trial detention, § 130 para. 4 nos. 1 to 5 shall apply *mutatis mutandis*.

III. Enforcement of pre-trial detention

§ 133

1) The sole purpose of pre-trial detention is to counteract the reason for detention (§ 131 para. 2).

2) Life in pre-trial detention should be as similar as possible to normal living conditions. Restrictions may only be ordered or imposed to the extent that this is legally permissible and necessary to achieve the purpose of detention or to maintain security and order in the state prison.

3) When enforcing pretrial detention, particular care must be taken to ensure that

1. the presumption of innocence applies to accused persons,
2. accused persons have sufficient opportunity to prepare their defense, and
3. the harmful consequences of deprivation of liberty are counteracted in an appropriate manner.

4) The provisions of the Prison Act shall apply *mutatis mutandis* to the enforcement of pretrial detention, insofar as they are compatible with the security purpose of pretrial detention, unless otherwise specified in the Code of Criminal Procedure. The enforcement of pretrial detention shall not be postponed or interrupted solely on the grounds that there are reasons for postponing the enforcement of the sentence due to unsuitability for enforcement.

5) The provisions governing the enforcement of pretrial detention shall also apply to the enforcement of detention pursuant to §§ 127 and 129.

Section 134

1) Prisoners awaiting trial shall not be housed together with convicted prisoners. However, separation may be waived during outdoor exercise, work, religious services, events, and medical care if such separation is not possible given the available facilities.

2) Insofar as it is necessary to achieve the purposes of detention, remand prisoners suspected of involvement in the same offense shall be accommodated in such a way that they cannot communicate with each other. Until the investigating judge has made a decision on this matter, such remand prisoners shall in any case be accommodated separately.

3) Female remand prisoners shall in all cases be accommodated separately from male remand prisoners and convicted prisoners.

§ 135

1) Prisoners awaiting trial shall be treated with respect for their personality and sense of honor and with the utmost consideration for their person. If a prisoner awaiting trial does not have suitable clothing, such clothing shall be provided for court hearings, transfers, and transportation by public transport.

2) Prisoners on remand shall be entitled to obtain items of personal necessity and other amenities at their own expense, provided that this is compatible with the purpose of their detention and does not jeopardize security, significantly disrupt order in the state prison, or cause nuisance to fellow prisoners.

§ 136

1) Prisoners awaiting trial are not obliged to work. However, prisoners awaiting trial who are fit for work may work under the conditions applicable to convicted prisoners (Articles 42 to 46 of the Prison Act) if they agree to do so and there is no risk of this adversely affecting the proceedings.

2) The remuneration for work shall be credited in full to the remand prisoner as pocket money after deduction of the contribution to the costs of imprisonment (Art. 28 para. 2 first case and para. 3 StVG). In the event of an acquittal or discontinuation of criminal proceedings, the contribution to the costs of imprisonment that has been retained shall be paid to him.

3) If a remand prisoner who is willing to work and whose detention does not preclude the purpose of employing them cannot be assigned work, they shall be credited retrospectively with an amount equal to 5% of the remuneration for

domestic workers in accordance with the standard employment contract as housekeeping allowance.

§ 137

1) Prisoners awaiting trial may receive visits within the specified visiting hours as often and for as long as this can be arranged without unreasonable effort. In all other respects, Articles 84 to 87 of the Prison Act apply to visits, with the following provisions:

1. Prisoners on remand may not be denied at least two visits of at least half an hour each week.

2. The content of conversations between a remand prisoner and a visitor may only be monitored if this is ordered by the investigating judge to ensure the purpose of the detention or by the prison governor to maintain security in the state prison.

3. Visits by certain persons who may jeopardize the purpose of remand detention or the security of the state prison may be prohibited or interrupted.

2) Prisoners on remand are entitled to correspond with other persons in writing and to make telephone calls at their own expense, unless the extraordinary volume of correspondence or telephone calls impairs surveillance or security and order. In this case, the necessary restrictions shall be imposed. Letters which could compromise the purposes of detention shall be withheld, unless otherwise provided for in the provisions of Art. 81 of the Prison Act on written correspondence with public authorities, legal counsel, and support services. Paragraph 1, item 2 shall apply to the monitoring of the content of telephone calls.

3) Section 30 (3) and (4) shall apply to the monitoring of oral and written communication between the remand prisoner and his defense counsel.

Section 137a

1) The investigating judge shall be responsible for deciding with whom remand prisoners may communicate and whom they may receive visits from, for monitoring their correspondence and visits, and for all other decisions relating to communication with the outside world. From

The monitoring of correspondence and telephone communications may only be waived to the extent that this does not jeopardize the purposes of detention.

2) Any disciplinary offenses committed by remand prisoners must be reported to the investigating judge. The same applies to incidents that could compromise the purposes of detention.

IV. Security deposit, maximum duration, and release from custody

§ 138

1) The accused may be released or the pretrial detention imposed on him may be lifted against payment of a deposit or surety and against taking the oaths referred to in § 131 (5) nos. 1 and 2, provided that the sole reason for detention is the risk of absconding (section 131 (2) no. 1) or cannot be ruled out (section 131 (7)); detention must be suspended or lifted against the specified security if the offense is not punishable by more than five years' imprisonment. The amount of the bail or surety shall be determined by the investigating judge, taking into account the seriousness of the criminal offense with which the accused is charged, the circumstances of the arrested person, and the assets of the person providing the security.

2) The deposit or guarantee amount shall be calculated either in cash or in securities that may be used in accordance with the existing laws on the investment of funds belonging to minors or persons for whom a guardian has been appointed, based on the stock market price on the date of payment, and shall be deposited with the court or secured by a pledge on immovable property or by suitable guarantors (§ 1374 ABGB), who at the same time undertake to act as payers.

3) The accused and the public prosecutor may appeal against the decision of the investigating judge to the High Court within 14 days.

§ 139

1) If, after being released, the accused makes preparations to flee or if new circumstances arise that require his arrest, he shall be arrested regardless of the security deposit; if he has been arrested in such cases, the bail or guarantee amount shall be released.

2) The same shall apply as soon as the criminal proceedings have been legally terminated by discontinuation or final judgment, but in the case of a sentence of imprisonment that is not subject to probation, only as soon as the convicted person has begun serving the sentence.

3) The investigating judge shall decide on the release of the bail or the guarantee amount, but after the case has been legally transferred to the indictment stage or the final hearing before a single judge has been ordered, the presiding judge (single judge) shall decide.

§ 140

1) The deposit or guarantee amount shall be declared forfeited by the court if the accused fails to appear for the investigation or, in the case of a conviction to a non-suspended prison sentence, fails to commence serving this sentence, in particular by leaving his place of residence without permission or by failing to appear in court within three days of receiving the summons issued to him, which must be served in accordance with Art. 8 para. 2 ZustG if he cannot be found.

2) Once it has become final, this finding is enforceable in the same way as any judgment. The forfeited security amounts shall accrue to the state, but the victim of the criminal offense has the right to demand that his or her claims for compensation be satisfied from these amounts first.

§ 141

1) All authorities involved in criminal proceedings are obliged to ensure that detention is as short as possible.

2) Detention and the application of less severe measures shall be lifted as soon as the conditions for their application no longer exist or their duration would be disproportionate.

3) If the state police become aware of a circumstance which, on its own or in conjunction with the results of previous investigations, could lead to the lifting of pre-trial detention (para. 2), they must immediately notify the investigating judge and the public prosecutor's office. In addition, it must ensure that all investigation results that are not yet available are sent to the investigating judge in triplicate and to the public prosecutor's office in single copy at the latest before the first detention hearing.

4) If the public prosecutor is of the opinion that the pre-trial detention should be lifted, he shall apply to the investigating judge, who shall immediately order the release from custody.

5) If the accused requests release from custody and the prosecutor objects, the investigating judge must schedule a detention hearing without delay. The same applies if the investigating judge is of the opinion that custody could be lifted and the prosecutor objects to release.

6) The investigating judge must order the lifting of less severe measures if the accused requests this and the public prosecutor agrees. Otherwise, the investigating judge shall decide on the lifting or modification of less severe measures by order after hearing the public prosecutor. The accused and the public prosecutor may appeal against this decision to the High Court within three days. The public prosecutor's appeal has suspensive effect.

7) If the victim has requested it, they must be notified immediately of the release of the accused before the first instance judgment is handed down, stating the relevant reasons and the less severe measures imposed on the accused. Victims of domestic violence and victims pursuant to § 31b (3) shall in any case be informed immediately ex officio in this regard. This notification shall be arranged by the state police, but in the case of release from pre-trial detention, by the regional court.

§ 142

1) Pre-trial detention on the grounds of the risk of suppression of evidence (§ 131 (2) No. 2) may not exceed two months.

2) In any case, the accused must be released if he has already been in pretrial detention for six months in the case of a misdemeanor, one year in the case of a felony, or two years in the case of a felony punishable by more than five years' imprisonment, without the final hearing having begun.

3) Pre-trial detention may only be maintained for more than six months if this is unavoidable due to particular difficulties or the particular scope of the investigation in view of the seriousness of the grounds for detention.

4) If a defendant who has been released from pretrial detention in accordance with the above provisions must be remanded in custody again for the purpose of conducting the final hearing, this may only be done for a maximum period of a further six weeks.

Repealed

Repealed

V. Provisional probation assistance

1) Provisional probation assistance shall be ordered if the accused consents to this and it appears necessary in order to encourage the accused's efforts to adopt a lifestyle and attitude that will prevent him from committing criminal acts in the future.

2) If the accused has a legal representative, the latter shall be notified of the order for provisional probation assistance.

3) Provisional probation assistance shall end at the latest with the final conclusion of the criminal proceedings. In all other respects, the provisions on probation assistance shall apply *mutatis mutandis*.

XII. Main section

Interrogation of the accused

1) The accused shall be questioned by the investigating judge in the absence of the prosecutor or other persons not legally authorized to be present. The interrogation shall generally be conducted orally, but the investigating judge may also allow written answers in complex cases. Court witnesses shall only be called upon during the interrogation of the accused if the investigating judge deems it necessary or if the accused so requests.

2) If an arrested person has been handcuffed, the handcuffs must be removed before the hearing, provided this can be done without risk.

3) If he does not speak German or is deaf or mute, the provisions of §§ 116 and 117 must be observed.

The examining judge shall question the accused without delay, as soon as possible, and once begun, the questioning shall not be interrupted for any significant period of time.

obstacle. In particular, it shall not be suspended if the person being questioned is in the process of confessing guilt or coherently proving his innocence, or if it is perceived that the questions put to him have led him to a point where he cannot evade the truth, or if there is otherwise an opportunity to obtain further clues to the discovery of the truth.

§ 147

1) Before the start of the interrogation, the investigating judge must instruct the accused (§ 23 (3)) in accordance with § 130 (1), second and third sentences. The accused shall then be asked about his first and last name, date of birth, religion, place of birth and residence, marital status, occupation or employment, and, insofar as it appears necessary for the purposes of the investigation, about his family and financial circumstances, his life history, in particular whether and why he has already been under investigation or punished.

2) The accused has the right to have a defense attorney present during questioning; the defense attorney may not participate in the questioning itself in any way, but may ask the accused supplementary questions after the questioning has been completed. During questioning, the accused may not consult with the defense attorney about how to answer individual questions. However, the involvement of a defense attorney may be waived if this appears necessary in order to avert a risk to the investigation or to prevent evidence from being compromised. In this case, an audio or video recording (§ 50a) shall be made if possible.

3) If the concern referred to in § 115a (1) exists with regard to an accused person, the investigating judge may question them in the manner specified in § 115a.

Section 148

After questioning the defendant about his personal circumstances, the investigating judge must prompt him to give a coherent and detailed account of the facts forming the subject of the accusation. Further questions shall be directed at supplementing the account, removing ambiguities and contradictions, avoiding all unnecessary digressions, and, in particular, ensuring that the accused is informed of all grounds for suspicion and statements made by other persons against him

and be given every opportunity to refute them and justify himself. If he provides facts or evidence in his defense, these must be investigated, unless they were clearly provided for the purpose of delaying the proceedings.

§ 149

1) The questions to be put to the accused must not be vague, ambiguous, or leading; they must flow naturally from one to the next. It is therefore particularly important to avoid asking questions in which a fact not admitted by the accused is assumed to have already been admitted.

2) Questions that confront the accused with circumstances of the offense that are only to be established by his answer, or that identify the accomplices to be investigated by name or other easily recognizable characteristics, may only be asked if the accused could not be led to make a statement about them in any other way. In such cases, the questions must be recorded verbatim in the minutes.

§ 150

Objects relating to the offense or serving to identify the accused shall be presented to him for recognition after a preliminary description of them, and if it is not possible to present them, he shall be led to these objects for the purpose of their recognition. If it seems useful for the purpose of removing doubts about the authenticity of a document attributed to him, the accused may be asked to write down a few words or sentences in court, but no coercive measures may be used for this purpose.

§ 151

Neither promises nor pretences, nor threats nor coercive measures may be used to induce the accused to make confessions or other specific statements. Nor may the investigation be delayed by efforts to obtain a confession.

§ 152

If the accused refuses to answer at all or refuses to answer certain questions, or if he pretends to be deaf, dumb, insane, or stupid, and if, in the latter cases, the investigating judge is convinced of the deception either by his own observations

or by questioning witnesses or experts, the accused shall merely be advised that his behavior may impede the investigation and that he may thereby deprive himself of his grounds for defense.

§ 153

If the accused's later statements differ from his earlier ones, in particular if he revokes earlier confessions, he shall be questioned about the reasons for these discrepancies and the reasons for his revocation.

§ 154

1) If the statements of an accused person differ significantly from the statements of a witness or co-defendant testifying against him, these shall only be confronted with him in the course of the investigation if the investigating judge considers it necessary for the clarification of the matter.

2) In such confrontations, the procedure prescribed in § 121 shall be observed.

§ 155

1) To the detriment of an accused person—except against a person accused of a violation of the law in connection with an interrogation—his statements and those of witnesses and co-accused persons may not be used as evidence insofar as they

1. under torture (Art. 7 of the International Covenant on Civil and Political Rights, Art. 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms, and Art. 1(1) and 15 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment), or

2. otherwise obtained through unlawful interference with the freedom of decision-making or expression of will, or through inadmissible methods of interrogation, insofar as they violate fundamental principles of procedure, and their exclusion is essential to remedy this violation.

2) Statements obtained in the manner described in paragraph 1 are null and void.

§ 156

Confessions by the accused do not release the investigating judge from the obligation to investigate the facts of the case as far as possible.

XIII. Main section

The indictment

§ 157

Once the investigating judge has completed the investigation, he shall forward the files to the prosecutor for the filing of charges.

§ 158

1) The prosecutor must file his motions within fourteen days. Failure to meet this deadline shall result in the consequences set out in § 8 (4) for the public prosecutor and in § 31 (3) for the private prosecutor.

2) If the public prosecutor, as the prosecutor, is of the opinion that the requirements of § 42 StGB are met, he shall file a motion with the investigating judge to dismiss the proceedings. An appeal against this decision may be lodged with the higher court within fourteen days of service. There shall be no further appeal.

Section 159

If the prosecutor requests a supplement to the investigation, the High Court shall decide on this request without further appeal if the investigating judge does not agree.

§ 160

After rejecting the request for additional investigation or conducting the additional investigation, the investigating judge shall forward the file to the prosecutor again, who shall again have a fourteen-day period to submit his requests (§ 158 (1)).

§ 161

When bringing charges, the prosecutor must specify the offense for which he seeks the conviction of the accused. With regard to charges that the prosecutor does not pursue, it is assumed that he is requesting the dismissal of the criminal proceedings. These charges may not be discussed in the subsequent final proceedings.

§ 162

The indictment must be filed in writing. The prosecutor may attach requests for evidence to the indictment, in particular for the summoning of witnesses and experts, but he is not limited to requesting the repeated examination of witnesses and experts already examined in the preliminary proceedings, but may also extend his requests to others.

§ 163

1) Before the criminal court, it is incumbent upon the prosecutor to file a formal indictment.

2) The indictment must contain:

1. the name of the accused;

2. a description of the criminal act or acts with which the prosecutor charges him, in accordance with all their legal characteristics that determine the application of a specific penalty, whereby the specific circumstances of the place, time, object, etc. must be added to the extent necessary to clearly describe the act;

3. the legal designation of the criminal offense or offenses to which the indictment relates, as well as a citation of those sections of the criminal code whose application is requested.

3) The indictment must be accompanied by a brief but comprehensive statement of reasons, in which the facts of the case as they appear from the files are to be recounted in a coherent manner.

4) In addition, the list of witnesses and experts to be summoned, as well as other evidence that the prosecutor intends to use in the final hearing, must be included in the indictment or attached to it.

§ 164

The public prosecutor may also include in the indictment a request for the arrest of the accused and the imposition of pre-trial detention.

§ 165

1) The indictment shall be submitted to the investigating judge, regardless of whether an investigation has taken place or not.

2) The investigating judge shall notify the accused of the indictment and its attachments and inform him of his rights of defense (§§ 24 ff), in particular that he may object to the indictment (§ 166 (2)) and request a decision by the higher court on the admissibility of the indictment, and that he requires a defense attorney for the final hearing.

3) The investigating judge also decides on any simultaneous application for the arrest of the accused (§ 128).

§ 166

1) If the accused is already in custody, the indictment must be served on him within 24 hours at the latest; however, if his arrest is ordered on the basis of the indictment, it must be served on him at the same time as this order.

2) The arrested person has a period of 14 days to lodge an objection, which in the latter case of paragraph 1 shall commence from the time the court is notified of the arrest. The objection may be lodged with the investigating judge for the record or in writing.

3) If, at his request, the indictment is served on his defense counsel, the period for lodging an objection shall run from the date of service on the defense counsel.

4) If the accused remains at liberty, the indictment shall be served on him with the instruction that he may lodge an objection to it within 14 days with the investigating judge, either orally or in writing, and that he requires a defense counsel for the final hearing.

§ 167

1) If the objection has not been lodged within the statutory period or if the accused has expressly waived this right, the investigating judge shall submit the files to the presiding judge of the court of first instance, who shall immediately order the final hearing.

2) Otherwise, after the objection has been lodged, the investigating judge shall send the files to the higher court and notify the prosecutor at the same time.

3) The higher court shall decide on the objection after hearing the prosecutor in a closed session.

4) The same procedure shall be followed if the accused lodges an appeal against the detention imposed on him by the investigating judge (§ 165 (3)); in this case, too, the High Court shall proceed as if an objection had been lodged against the indictment.

Section 168

1) The High Court shall provisionally reject the indictment if it considers this necessary to remedy a procedural irregularity or to clarify the facts of the case.

2) The prosecutor shall then submit any motions to the investigating judge or resubmit an indictment within fourteen days (§ 158 (1)).

§ 168a

1) If the High Court considers that the conditions for discontinuing proceedings under Part IIIa are met, it shall refer the indictment back to the investigating judge with instructions to proceed in accordance with the provisions of this Part.

2) If a discontinuation of proceedings pursuant to §§ 22c (1), 22d (5), 22f (4) or 22g (1) in conjunction with § 22b, or if the proceedings are to be subsequently initiated or continued (§ 22h), the prosecutor shall resubmit the indictment or otherwise file the motions necessary for the continuation or termination of the criminal proceedings.

§ 169

1) If the High Court considers that one of the following reasons precludes the indictment:

1. that the act with which the accused is charged does not constitute a criminal offense falling within the jurisdiction of the courts;
2. that there are insufficient grounds to suspect the accused of the offense;
3. that circumstances exist which negate the criminality of the act or preclude prosecution for the act; or that the conditions of § 42 StGB (Criminal Code) are met; or
4. that the application required by law from an authorized person is missing; the High Court shall decide that the indictment is not admissible and that the proceedings are to be discontinued. In this case, the High Court shall at the same time make the necessary arrangements for the release of an arrested accused person.

2) If this ruling does not concern all charges, the High Court shall order that the points on which it has been issued be removed from the indictment.

§ 170

If the reason for which the indictment is not admitted also applies to a co-defendant who has not lodged an objection, the High Court shall proceed as if such an objection had been lodged.

§ 171

1) If none of the cases mentioned in §§ 168 to 170 apply, the High Court shall decide that the indictment be admitted.

2) In this case, a decision shall also be made on all motions concerning the joinder or separation of several charges and the summoning of witnesses or experts.

Section 172

Decisions pursuant to §§ 168 to 171 shall be justified in such a way that they do not prejudice the decision of the trial court in the main proceedings. No appeal shall be admissible against decisions pursuant to §§ 168 and 171.

§ 173

1) If criminal proceedings are not initiated or are discontinued as a result of the public prosecutor's decision not to prosecute or to discontinue the proceedings, the private party (§ 32) has the right to continue the prosecution as a subsidiary prosecutor in place of the public prosecutor by submitting an application to the regional court for the initiation or continuation of the investigation or by filing the indictment (Section 163).

2) These subsidiary prosecution rights of the private party shall not apply in any case where the court has terminated criminal proceedings within the meaning of § 42 StGB.

3) The High Court shall decide on the admissibility of initiating or continuing criminal proceedings on the basis of a subsidiary application by the private party, excluding any further appeal.

§ 174

1) The defense counsel and the accused may, irrespective of the right to appeal against an indictment, if either of them believes that any further circumstances of the case should be raised or that witnesses and experts other than those requested by the prosecutor for the final proceedings should be called, within fourteen days of service of the indictment.

2) The investigating judge shall complete the investigation file in the manner necessary by conducting subsequent investigations before the final hearing. The discussion of the results of such subsequent investigations shall generally be reserved for the final hearing.

3) If the investigating judge does not decide or is unable to proceed in accordance with paragraph 2, he shall attach the relevant request made orally or in writing by the accused or his defense counsel to the other files for decision at the final hearing.

XIV. Main section

The final hearing

§ 175

1) The regional court shall decide as a criminal court in a collegial panel after oral final proceedings on the crimes and misdemeanors assigned for judgment in accordance with § 15 (2).

2) The final hearing shall be based on the charges brought.

§ 176

1) In individual cases, the criminal court shall consist of the president as chair, a district judge, and three other criminal judges. In addition, there shall be a court clerk. Further details shall be determined by the distribution of business.

2) In the event of incapacity, the substitute judges designated as representatives shall take their place.

3) The judge who was entrusted with the investigation may not be a member of the senate called upon to decide.

§ 177

As soon as the indictment has been filed or has become final and any necessary additions to the investigation have been carried out (§ 174 (2)), the investigating judge shall submit the criminal files to the competent presiding judge as quickly as possible for review and for the scheduling of the final hearing.

§ 178

The final hearing shall take place on a weekday before the court composed in accordance with the above provisions.

§ 179

The prosecutor, the defendant, who shall be summoned under threat of the consequences of failure to appear, and his defense counsel, as well as those witnesses and experts whose examination has been requested by the parties and whom the presiding judge has designated as required to appear, shall be summoned to the hearing. The victim assistance agency shall be notified of the date of the final hearing, if applicable. The private party shall be summoned with the proviso that, in the event of failure to appear, he shall be liable for damages.

presiding judge has designated as required to appear. The victim assistance center shall be notified of the date of the final hearing, if applicable. The private party shall be summoned with the proviso that, in the event of his failure to appear, the hearing will nevertheless proceed and that his motions will be read from the files.

§ 180

At the request of the prosecutor, the defendant, or his defense counsel, the presiding judge may, for good cause, grant an adjournment of the final proceedings, but the notice must, whenever possible, be given to the district court in good time so that a postponement of the final hearing can be ordered.

§ 181

- 1) The final hearing shall be public, otherwise it shall be null and void.
- 2) Only unarmed persons may participate in a final hearing as parties or listeners. However, persons who are required to carry a weapon due to their public service may not be denied attendance for this reason.
- 3) Minors may be excluded from attending the final hearing as members of the audience if their presence could jeopardize their personal development.
- 4) Television and radio recordings and broadcasts, as well as film and photo recordings of court proceedings, are not permitted.

§ 181a

- 1) The public may be excluded from a final hearing only on grounds of morality or public order. The court shall order such exclusion ex officio or at the request of the prosecutor or the defendant after a closed hearing and deliberation. The decision, together with the reasons, shall be announced in open court and recorded in the minutes of the proceedings. No separate appeal shall be admissible against the decision.
- 2) Before discussing circumstances relating to the personal life or private sphere of the defendant, a witness, or a third party, and before questioning a witness whose personal details are not disclosed (Section 119a), the court shall exclude the public from the proceedings if interests worthy of protection prevail.

exclude the public from the proceedings, either ex officio or upon request. Paragraph 1 shall apply mutatis mutandis to such a decision.

3) The public may also be excluded from the hearing ex officio or upon request if it would jeopardize a trade secret within the meaning of Art. 1a para. 1 lit. n of the Unfair Competition Act or a business secret. In this case, paragraph 1 shall apply mutatis mutandis, with the exception that the reasons for the exclusion may only be announced to the persons specified in § 181b (2).

§ 181b

1) After the public announcement of this decision, all listeners must leave the courtroom.

2) Only victims, private parties, judges, court interns, public prosecutors, and attorneys may never be excluded. Both the defendant and the private party or private prosecutor may request that three persons of their choice be allowed to attend. Section 115(2) and (3) shall apply mutatis mutandis.

§ 181c

If the public has been excluded from a hearing, it is prohibited to publish any information from it. The court may also require the persons present to maintain secrecy regarding the facts that come to their knowledge during the hearing. This decision shall be recorded in the minutes of the hearing.

Section 181d

A closed session may be requested at any time during the hearing after the case has been called, pursuant to § 181a. The public may be excluded for part of the proceedings or for the entire hearing. However, the verdict must always be announced in public.

Section 182

1) The presiding judge shall conduct the hearing, examine the defendant, witnesses, and experts, determine the order in which those who request to speak shall speak, examine the witnesses and experts, have those files from the investigation proceedings which he or the court deems necessary read aloud, and have other evidence presented.

2) The presiding judge and the court are authorized, even without a request from the prosecutor or the defendant, to summon and hear witnesses and experts during the final hearing who, based on the course of the proceedings, are expected to provide clarification on significant facts. In general, they are obligated to promote the discovery of the truth.

§ 183

1) The presiding judge is responsible for maintaining order and decorum in the courtroom in a manner befitting the dignity of the court.

2) Signs of approval or disapproval are prohibited. The chairperson is entitled to call to order persons who disrupt the meeting by such signs or in any other way and, if necessary, to have individual or all listeners removed from the meeting room. If anyone resists or if the disturbances are repeated, the chairperson may impose a fine of up to 1,000 francs on the offenders, or, if it is essential to maintain order, a prison sentence of up to eight days. In the latter case, he or she may order immediate arrest.

§ 184

1) If the defendant disrupts the order of the proceedings by inappropriate behavior and does not desist despite the chairperson's warning that he will be removed from the hearing, he may be removed from the hearing for a period of time or for the entire duration of the hearing by decision of the court, the hearing may be continued in his absence, and the judgment may be pronounced to him by a member of the court in the presence of the court clerk.

2) If the defendant, the private prosecutor, the private party, witnesses, or experts make insults or apparently unfounded accusations that are irrelevant to the case against any of the persons being heard or against a representative, the public prosecutor, or a court official, or if the respect due to the court is violated by indecent behavior, the court may, at the request of the offended party or the public prosecutor, or ex officio, impose a fine of up to 1,000 francs on the guilty party, or, if it is essential to maintain order, a prison sentence of up to eight days.

§ 185

If the defense counsel is guilty of such a violation, he shall be reprimanded by the court, and if he continues such improper conduct despite the warning or reprimand, the presiding judge may withdraw his right to speak and, in this case, as well as in the event of his failure to appear at the scheduled hearing, may also order an adjournment of the hearing at the expense of the guilty representative. If legal friends intervene as defense counsel, the court may in such cases also decide to file a disciplinary complaint against them with the higher court.

§ 186

1) In addition to the presiding judge, the other members of the court, the prosecutor, the defendant, and the private party, as well as their representatives, are also authorized to ask questions of any person being heard, after they have been given the floor by the presiding judge.

2) The presiding judge shall reject inadmissible questions; he may prohibit questions that otherwise appear inappropriate.

§ 187

1) The final hearing shall commence with the clerk calling the case.

2) The accused shall appear unshackled if this can be done without risk, but if he is under arrest, he shall be under police guard.

§ 188

After opening the final hearing, the presiding judge shall ask the prosecutor, the accused, the private parties, and the judges present whether any of the latter have grounds for recusal.

§ 189

The presiding judge shall then ask the defendant for his first and last name, date of birth, municipality of jurisdiction, religion, status and occupation or employment, and place of residence, and shall admonish him to pay attention to the proceedings that will now follow.

§ 190

1) The summoned witnesses and experts are then called and instructed to proceed to the room designated for them.

2) With regard to the experts, the presiding judge may, in all cases where he considers it expedient for the investigation of the truth, order that they remain in the courtroom during the examination of the defendant and the witnesses.

3) The private prosecutor or private party, if he is to be examined as a witness, may be instructed to leave the courtroom without prejudice to his right to be represented at the hearing. The presiding judge shall also order measures as he deems appropriate to prevent agreements or discussions between witnesses.

§ 191

Witnesses and experts who fail to appear at the final hearing despite having been summoned to do so, without providing evidence of an unforeseen and unavoidable obstacle, may be subject to a summons issued by the court and a fine of up to 1,000 francs, or possibly reimbursement of the costs of the thwarted final hearing, against which the witness or expert may lodge an appeal with the court that issued the order within fourteen days of service of the order.

§ 192

1) The presiding judge shall then give the floor to the prosecutor to present the charges. The presentation shall include all charges and provide as much justification as is necessary for understanding the charges. If there are several defendants, reference shall be made to each of them individually.

2) After the presentation of the charges, the presiding judge shall ensure that the defendant is sufficiently informed of the subject matter and scope of the charges.

3) The defense counsel has the right to respond to the presentation of the charges with a counterstatement.

§ 193

1) The presiding judge shall then question the defendant about the content of the indictment. If the defendant responds to the charges by declaring that he is not guilty, the presiding judge shall inform him that he is entitled to counter the charges with a coherent presentation of the facts and to comment on each piece of evidence as it is presented. If the defendant deviates from his previous statements, he shall be asked to explain the reasons for this deviation.

The presiding judge may in this case, as well as when the defendant refuses to answer, have the minutes of the earlier statements read out in whole or in part.

2) The defendant may not be compelled to answer questions addressed to him.

3) During the final hearing, the defendant is free to consult with his defense counsel; however, he is not permitted to consult with him about the immediate answers to the questions put to him.

§ 194

After the defendant has been questioned, the evidence shall be presented in the order determined by the presiding judge.

§ 195

1) Witnesses and experts shall be called individually and heard in the presence of the defendant. Before their examination, they shall be admonished to tell the truth. Experts who have already taken the oath and witnesses who have been sworn in during the investigation shall be reminded of the oath they have taken.

2) Except in this case, each of them shall be sworn in after answering the general questions and before further questioning, otherwise the proceedings shall be null and void, unless one of the reasons specified in § 123 (1) to (6) precludes this. The swearing-in may be omitted or postponed until after the witnesses have been heard if the prosecutor and the defendant agree.

§ 195a

1) A witness who is unable to appear in court due to age, illness, infirmity, or other significant reasons may be examined using technical equipment for voice and image transmission.

2) A witness who is unable or unwilling to appear in court because he or she is abroad may be examined in the same manner, provided that the competent foreign authority provides legal assistance.

§ 196

1) When hearing witnesses and experts, the presiding judge shall follow the instructions issued to the investigating judge in the investigation, insofar as these

not appear to be impracticable in the nature of the case during the final hearing. He shall ensure that a witness who has not yet been heard is not present at all during the taking of evidence, and that an expert who has not been heard is not present during the examination of other experts on the same subject.

2) The presiding judge may confront witnesses whose statements differ from one another.

3) Witnesses and experts must remain present at the hearing after their examination until the presiding judge dismisses them or orders them to leave. The individual witnesses may not question each other about their statements.

4) After each witness, expert witness, or co-defendant has been heard, the defendant must be asked whether he has anything to say in response to the testimony just heard.

§ 197

1) The presiding judge is authorized, in exceptional cases, to have the defendant leave the courtroom during the examination of a witness or co-defendant. However, as soon as he has questioned the defendant after his return about the matter dealt with in his absence, he must inform him of everything that took place in his absence, in particular of the statements that have been made in the meantime.

2) If this notification has not been made, it must be added before the end of the evidentiary proceedings, otherwise it will be null and void.

3) When examining witnesses, the presiding judge shall apply § 115a (1) sentences 3 to 5 and (2) to (4) *mutatis mutandis*. In doing so, he shall also give the members of the court who are not present at the hearing the opportunity to follow the examination of the witness and to question the witness.

§ 198

Both the defendant and the prosecutor may request that witnesses leave the courtroom after being heard and be called back in later and questioned again, either alone or in the presence of other witnesses. The presiding judge may also order this *ex officio*.

§ 198a

1) Court and other official records of the examination of co-defendants and witnesses, other official documents in which statements by witnesses or co-defendants have been recorded, expert opinions, and technical recordings of the examination of witnesses (Section 115a) may only be read out or presented in the following cases, otherwise they shall be null and void:

1. if the persons questioned have died in the meantime;
2. if their whereabouts are unknown or their personal appearance could not reasonably be effected due to their age, illness or infirmity, distant residence, or other significant reasons;
3. if the persons examined in the final hearing deviate in essential points from their earlier statements;
4. if witnesses justifiably refuse to testify (Section 107) and the parties had the opportunity to participate in a judicial hearing (Sections 115a, 195);
5. if witnesses refuse to testify without being entitled to do so, or if co-defendants refuse to testify;
6. if the prosecutor and the defendant agree to the reading.

2) Visual inspections and findings, previous convictions against the defendant, as well as records and documents of other kinds that are relevant to the case must be read aloud, unless both parties waive this right.

3) After each reading, the defendant shall be asked whether he has any comments to make.

4) The provisions of paragraph 1 may not be circumvented, otherwise they shall be null and void.

§ 199

During or at the end of the evidentiary proceedings, the presiding judge shall present to the defendant and, to the extent necessary, to the witnesses and experts, those items that may serve to clarify the facts of the case and shall ask them to state whether they recognize them.

§ 200

1) After the presiding judge has closed the evidentiary proceedings, the prosecutor shall first be given the floor to state and justify his or her request for punishment.

2) The private party shall be given the floor after the prosecutor.

3) The defendant and his defense counsel have the right to respond. If the prosecutor, the private prosecutor, or the private party wishes to reply, the defendant and his defense counsel are in any case entitled to make a closing statement.

§ 201

Once the closing arguments have begun, they shall only be interrupted if the presiding judge deems it necessary for the parties to take a break. The proceedings shall be adjourned:

- a) in the event of the defendant's illness, unless he consents to the hearing continuing in his absence and his statement given during the investigation being read out;
- b) if the court deems it necessary to initiate new investigations or to examine a witness or expert who has not appeared, or orders the production of new evidence.

§ 202

1) Minutes shall be taken of the final hearing, otherwise the proceedings shall be null and void. These minutes shall contain the names of the members of the court present, the parties and their representatives, and shall record all essential formalities of the proceedings, in particular stating which witnesses and experts were heard and which documents were read out, whether the witnesses and experts were sworn in or, if not, the reasons why they were not sworn in; and finally, note all motions made by the parties and the decisions made by the presiding judge or the court thereon. The parties are free to request that individual points be recorded in the minutes in order to protect their rights.

2) Where it is important to establish the exact wording, the presiding judge shall, at the request of a party, immediately order the reading or reproduction of individual passages.

3) The responses of the defendant and the statements of witnesses or experts shall only be mentioned if they contain deviations, changes, or additions to the information recorded in the files, or if the witnesses or experts are being heard for the first time in the proceedings.

- 4) The minutes shall be taken during the hearing at the request of the presiding judge. Once completed, the minutes shall be signed by the presiding judge and the minute-taker.
- 5) The chairperson shall correct any clerical or calculation errors in the minutes of the proceedings at any time, if necessary after hearing the parties involved. The minutes shall be supplemented or corrected ex officio or at the request of a party entitled to appeal, after the necessary investigations have been carried out, if significant circumstances or events have been wrongly omitted or incorrectly reproduced in the minutes of the final hearing. The request must be submitted at the latest by the expiry of the period available for lodging an appeal against the judgment, otherwise it shall be rejected as inadmissible. The parties shall be given the opportunity to comment on the proposed or requested correction or addition and on the results of the investigations carried out within a reasonable period to be determined. If an addition or correction to the minutes of the hearing is made after the copy of the judgment has been served on the appellant, the new service shall trigger the time limits for lodging an appeal.
- 6) If the presiding judge deems it appropriate, the recording of the minutes may also be supported by the use of an audio recording device, depending on the technical equipment available to the court.

§ 203

In cases where the court has retired to the deliberation room to reach a decision, separate minutes shall be kept of the deliberations and votes during and at the end of the hearing.

§ 204

After the presiding judge has declared the proceedings closed, the court shall retire to the deliberation room to reach a decision.

§ 205

- 1) When passing judgment, the court shall only take into consideration what occurred during the final proceedings. Documents may only serve as evidence to the extent that they were read aloud during the final proceedings.
- 2) The court must carefully and conscientiously examine the evidence for its credibility and probative value, both individually and in its internal context

. The judges shall decide whether a fact is to be accepted as proven not according to the rules of evidence laid down by law, but only according to their free conviction gained from the conscientious examination of all the evidence presented for and against.

3) When assessing the testimony of a witness who has been permitted under § 119a not to answer certain questions, it must be examined in particular whether the court and the parties were given sufficient opportunity to consider the credibility of the witness and the probative value of his or her testimony.

Section 206

1) The speaker shall be the first to present his closing arguments, and the presiding judge shall then continue with the questioning.

2) Each vote must be clearly stated in the minutes of the meeting, along with the reasons given.

3) The judgment shall be passed by majority vote.

4) The vote is taken with the oldest member of the Court casting their vote first and the President casting their vote last.

5) If, among several opinions, one has half of the votes, the president shall cast the deciding vote in favor of that opinion. However, if the presiding judge has a different opinion, or if no opinion has half of the votes in its favor, the poll shall be repeated, and if a majority of votes cannot be achieved even then, the votes most disadvantageous to the accused shall be added to the less disadvantageous votes until an absolute majority of votes is achieved.

6) When deliberating on the penalty, the members of the court who have found the defendant not guilty of a criminal offense with which he or she has been charged are free to cast their vote on the penalty or to abstain from voting on the basis of the decision taken on the question of guilt. In the latter case, their votes shall be counted as if they had concurred with the opinion most favorable to the defendant among those expressed by the other voters.

§ 207

The defendant shall be acquitted by judgment of the court:

1. if it appears that the criminal proceedings were initiated without the request of a legally entitled prosecutor or were continued against his will;

2. if the prosecutor withdraws the charges after the opening of the final hearing and before the court retires to deliberate and reach a decision; withdrawal shall be deemed to have occurred in particular if the private prosecutor has not appeared at the final hearing or has failed to present the closing arguments at the same (§ 31 (3));
3. if the court finds that the act underlying the charge is not punishable by law, or that the facts of the case have not been established or proven, that the defendant committed the act with which he is charged, or that circumstances exist which preclude criminal liability or prosecution for reasons other than those specified in paragraphs 1 and 2;
4. if the court finds that the conditions of § 42 StGB are met.

§ 208

1) If the defendant is found guilty, the criminal judgment must state:

1. of which offense the defendant has been found guilty, expressly stating the circumstances of the offense that determine the specific sentence;
2. which criminal offense is established by the facts accepted as proven, of which the defendant has been found guilty, stating at the same time whether the criminal offense is a felony or a misdemeanor;
3. to what punishment the defendant is sentenced;
4. which provisions of criminal law have been applied to him;
5. the decision on the claims for compensation asserted and on the costs of the proceedings.

2) If the defendant is sentenced to more than one year's imprisonment for intentional and negligent acts, it shall be determined after the sentence has been pronounced whether one or more intentionally committed criminal acts are punishable by more than one year's imprisonment.

3) If the determination required under paragraph 2 has not been made in the criminal judgment, it shall be made ex officio or at the request of a person entitled to appeal by the court that issued the judgment, even in cases where no appeal has been lodged (§ 221 (4)). Any person entitled to appeal may lodge an appeal against this decision, which shall be served on the plaintiff and the defendant, with the High Court within fourteen days.

plaintiff and the defendant, any person entitled to appeal may lodge an appeal with the higher court within fourteen days.

§ 209

If the court considers that the facts underlying the indictment, either in themselves or in conjunction with circumstances that only become apparent during the final hearing, constitute a criminal offense other than that specified in the indictment, it shall, after hearing the parties or deciding on any motion for adjournment, render its judgment according to its legal conviction, without being bound by the description of the offense contained in the indictment.

§ 210

1) If, during the final hearing, the defendant is charged with an offense other than the one for which he was indicted, the court may, if the offense is prosecutable ex officio, extend the hearing to include these offenses at the request of the public prosecutor or the person injured by the offense, but in other cases only at the request of the person entitled to bring a private prosecution. The consent of the defendant is only required if, upon conviction for this offense, he would be subject to a criminal law that is more severe than that which would apply to the criminal offense specified in the indictment.

2) If, in such a case, the defendant refuses to consent to immediate judgment or if such judgment cannot be rendered because more careful preparation appears necessary, the judgment shall be limited to the subject matter of the indictment and the prosecutor shall be granted, at his request to pursue the additional offense independently, unless prosecution of the latter is no longer taking place.

3) Depending on the circumstances, the court may also, if it does not immediately adjudicate on the additional offense, adjourn the final hearing and reserve the decision on all criminal acts charged against the defendant for a new final hearing.

4) In both cases, the prosecutor must file his motions for the initiation of legal proceedings within fourteen days.

§ 211

If a criminal judgment is handed down against the defendant, the fact that prosecution for another criminal offense is still pending shall not prevent the enforcement of the judgment.

§ 212

1) If the time requirements for conditional release from a prison sentence as a result of prior detention or a sentence served abroad are already met at the time of the judgment, the court shall conditionally suspend the remainder of the sentence for the defendant, setting a probationary period, provided that the other requirements specified in § 46 StGB are also met. In this decision, the court shall also issue instructions, if necessary, and order probation assistance (Section 50 StGB).

2) The provisions of Part XXIII shall apply *mutatis mutandis* to the decision pursuant to paragraph 1 and to the proceedings following such conditional release.

Section 213

The Court shall be bound by the charges brought by the prosecutor only to the extent that it may not find the defendant guilty of an offense for which the charges were not brought.

§ 214

1) Immediately after the judgment has been rendered, it shall be announced by the presiding judge in open court before the assembled court and in the presence of the parties, with a brief statement of the reasons and reference to the applicable provisions of law, and the defendant shall be informed of his right of appeal.

2) The instruction shall indicate that the appeal must be lodged orally in the court record or in writing (§ 222). This instruction shall be recorded in the minutes of the hearing.

3) If an incorrect filing deadline was specified and this is longer than the statutory deadline, the filing deadline shall remain valid for this longer period; if a shorter deadline was specified, the statutory filing deadline shall apply; if the instruction regarding the filing of an appeal is missing altogether, the filing deadline could not begin to run.

4) If the instruction did not specify the competent court but another court or another official body as the recipient of the appeal, the deadline for filing the appeal shall also be deemed to have been met if the appeal was submitted to the

incorrect authority. However, the incorrect authority must forward the appeal to the competent court ex officio.

5) If the court finds itself unable to proceed with the pronouncement and announcement of the judgment after the conclusion of the final hearing, the presiding judge shall announce the date and time of the pronouncement of the judgment.

§ 215

1) After being pronounced, every judgment must be drawn up in writing without undue delay and signed by the presiding judge and the court clerk.

2) The written judgment must contain:

1. the name of the court and the names of the members of the court present, as well as the prosecutor and the private party;

2. the first and last names and any other names by which the defendant may be known; his date of birth, nationality, place of residence, marital status, profession, trade, and occupation; and the name of his defense counsel;

3. the date of the final hearing and the pronouncement of the judgment;

4. the court's finding on the question of guilt, and in the case of a criminal conviction, all the points listed in § 208;

5. the grounds for the decision; These must state concisely but with complete certainty which facts and for what reasons the court has accepted as proven or unproven, what considerations guided it in deciding the legal issues and in dismissing the objections raised, and, in the event of a conviction, what aggravating and mitigating circumstances it found. In the case of a conviction to a fine calculated in daily rates, the circumstances relevant to the calculation of the daily rate (Section 19 (2) StGB) must be stated. In the case of an acquittal, the grounds for the decision must clearly state, in particular, which of the reasons specified in Section 207 led the court to decide on acquittal;

6. the information on legal remedies. Section 214 (1) to (4) applies mutatis mutandis to this.

Section 216

If the defendant did not appear at the pronouncement of the judgment, a copy of the judgment shall be served on him.

Section 217

- 1) If, during the final hearing, it appears probable that a witness has knowingly given false testimony, the presiding judge may record a statement of that witness and, after reading it aloud and obtaining the witness's approval, have it signed by the witness. The presiding judge may also arrest the witness and have him or her brought before the investigating judge.
- 2) If another criminal offense is committed during the closing arguments in the courtroom and the perpetrator is caught in the act, the case may be tried immediately by the assembled court, either by interrupting the closing arguments or at the end of the proceedings, at the request of the authorized prosecutor and after hearing the accused and the witnesses present. Appeals against such a judgment shall have no suspensive effect. If a higher court is competent to judge the case or if immediate judgment is not possible, the presiding judge shall have the perpetrator brought before the investigating judge. A separate record shall be made of such a proceeding.
- 3) If the defendant has committed a criminal offense during the final hearing, § 210 shall apply.

Section 217a

Decisions outside the final hearing shall be taken by the presiding judge, with the exception of decisions pursuant to Sections 208 (3) and 251 (1) of this Act and Sections 46, 47, 53, 54, and 55 of the Criminal Code.

XV. Main section

Appeals

I. Appeals

Section

- 1) Unless waived, an appeal with suspensive effect may be lodged with the higher court against any judgment handed down by the criminal court.
- 2) Incorrect designation of an appeal shall not be detrimental if the correct request is clearly recognizable.
- 3) For the purposes of appeal, a copy of the judgment, including the reasons for the decision, shall be issued to the defendant and the persons representing him, as well as to the private prosecutor or private party, but the original copy of the judgment or a transcript shall be provided to the public prosecutor for inspection.

4) An appeal may be lodged on behalf of the defendant by himself, his spouse, his registered partner, his relatives in the ascending and descending line, and his guardian, and by the public prosecutor, but against his will only in the case of minors, by the parents and guardian. Insofar as the assessment of the grounds for nullity asserted is concerned, an appeal for nullity lodged on behalf of the defendant by others shall be deemed to have been lodged by the defendant himself.

5) To the detriment of the defendant, the appeal may only be lodged by the public prosecutor or the private prosecutor; by the private party or the subsidiary prosecutor, with the restriction that the appeal may only relate to the decision on civil law claims and the associated costs.

6) Insofar as the judgment has ruled on private law claims and the associated costs, the right of appeal specified in paragraphs 4 and 5 shall also be available to the heirs of the entitled party after his death.

§ 219

1) Before the court of appeal, the criminal case shall be reheard and decided within the limits of the appeal statement, grounds, and motions, which may seek to overturn or amend the judgment, and new facts may be presented and evidence may be requested without restriction for this purpose.

2) An appeal may be lodged on the grounds of nullity or defectiveness of the proceedings, on the grounds of the verdict on guilt (question of evidence), on the grounds of the sentence, on the grounds of civil law claims, and on the grounds of the costs of the criminal proceedings. If only the verdict on costs is contested, only a complaint is admissible.

§ 220

The judgment and the proceedings preceding it may be challenged on the grounds of violation of principles or rules of criminal procedure (procedural grounds for nullity):

1. if the court was not properly constituted (in particular if the prescribed number of judges was not present, if a court clerk was not called in, or if members of the court did not possess the necessary qualifications for the office of judge), or if not all judges attended the entire hearing, or finally, if a judge who had been excluded or rightly

rejected judge participated in the hearing; however, the parties may expressly waive the right to assert this ground for nullity;

2. if, in the case of a necessary defense (§ 26 (3)), the final hearing was conducted without the involvement of a defense attorney. This ground for nullity cannot be asserted to the detriment of the defendant;

3. if the court's ruling on decisive facts contained in the judgment or in the grounds for the decision is unclear, incomplete, or contradictory, or if no reasons or insufficient reasons are given for this ruling as a whole or in part, or if there is a significant contradiction between the information in the grounds for the decision regarding the content of documents in the files or regarding court statements and the files or the minutes of hearings and sessions themselves;

4. if the court has wrongly declared that it lacks jurisdiction;

5. if the judgment rendered does not settle the charges or if it violates the provisions of

Sections 209, 210, and 213; the charge shall not be deemed to have been settled if the judge does not base his decision on an act for which the charge was brought;

6. if, during the final hearing, a document relating to a preliminary investigation or investigation that is null and void under the law has been read out despite the complainant's objection;

7. if, during the final hearing, a provision has been violated whose observance is expressly prescribed by law, otherwise the proceedings shall be null and void;

8. if, during the final hearing, a motion by the complainant has not been considered, or if an interim decision against his motion or objection has disregarded or incorrectly applied laws or principles of procedure, the observance of which is required by the nature of a procedure that ensures criminal prosecution and defense;

9. if a final and binding judgment has already been rendered against the same defendant and for the same offense as that charged in the indictment.

§ 221

The judgment and the proceedings preceding it may be challenged on the grounds of incorrect application or violation of the Criminal Code or a secondary criminal law (substantive grounds for nullity):

1. if the ruling on the question of whether the offense with which the defendant is charged constitutes a criminal offense at all, or whether circumstances exist which exclude or remove the criminality of the offense or exclude or remove the prosecution for the same (grounds for exclusion of guilt or punishment and grounds for justification), whether the requirements of § 42 StGB (Criminal Code) are met, or finally, whether the indictment required by law for prosecution is lacking, any law has been violated or incorrectly applied;

2. if the act underlying the decision has been subjected to a criminal law that is not applicable to it due to an incorrect interpretation of the law, even if both laws impose the same penalty;

3. if the court has exceeded its sentencing authority, the limits of the statutory penalty, insofar as this is justified by aggravating or mitigating circumstances specified in the law, the limits for calculating a daily rate, or the limits of the increase in penalty or extraordinary mitigation of penalty to which it is entitled, when imposing a substitute custodial sentence in violation of

§ 19 (3) StGB or by taking into account or not taking into account pre-trial detention in violation of § 38 StGB, or if, as a result of a new hearing conducted solely in favor of the defendant or in the event of a retrial granted in favor of the defendant, a more severe penalty was imposed on the defendant than that imposed by the contested judgment;

4. if the determination required under Section 208 (2) is missing;

5. if proceedings should have been conducted in accordance with Part IIIa.

Section 222

1) Any appeal must be lodged with the regional court either orally for the record or in writing within four days of the pronouncement of the judgment, otherwise the right of appeal shall be lost; no lodging is required if the judgment has been served on the absent defendant.

2) The time limit for lodging an appeal is fourteen days from the date of service of the judgment or from the date of notification of the original or a copy of the judgment.

- 3) For the spouse, registered partner, relatives, guardian, and heirs of the convicted person, the above time limits for filing an appeal or executing it shall commence on the same day on which they commenced for the defendant.
- 4) A late filing or execution of the appeal shall be rejected by the regional court.
- 5) The appeal filing and, if this is not necessary, the appeal execution must contain an explicit or clearly recognizable appeal statement, whether against the entire content or against a specific part, and the appeal execution must also contain a motion and grounds for appeal.
- 6) During the appeal hearing, the motions and grounds for appeal, with the exception of those relating to nullity, may not be expanded, nor may new ones be asserted.

§ 223

- 1) During the appeal period and if an appeal has been lodged against the judgment, the enforcement of the judgment shall be suspended insofar as it is contested.
- 2) The release of an acquitted defendant may only be postponed on the basis of an appeal by the public prosecutor, and only if this is announced immediately upon pronouncement of the judgment and if, under the circumstances, there is reason to believe that the defendant will evade the proceedings by fleeing.
- 3) No appeal may be lodged against release from custody.
- 4) If the person sentenced to imprisonment considers only the sentence to be excessive, they may begin serving the sentence for the time being.
- 5) The same applies if the convicted person has not lodged an appeal and the prosecutor's appeal is directed only against the sentence.

§ 224

- 1) The appeal statement must be submitted either orally for the record of the regional court or in writing in two copies; it may repeat the appeal requests and grounds for appeal (points of complaint) and may contain factual and legal statements (§ 222 (6)).
- 2) One copy of the submitted appeal statement or a transcript of the minutes replacing it shall be served on the opposing party for the submission of any counterstatement within fourteen days of service of the former.

3) If a party has appointed legal counsel or a defense attorney, the latter shall be permitted to inspect the criminal files, with the exception of the consultation minutes, for the purpose of preparing the appeal or any counter-appeal.

§ 225

1) New facts and evidence must be communicated in the application or appeal statement or counterstatement, stating all circumstances relevant to their assessment, otherwise they will be excluded from consideration in the appeal hearing, so that the presiding judge of the higher court can have them investigated himself or, under certain circumstances, by a judge appointed for this purpose, subject to a subsequent decision by the court approving such action.

2) The re-examination of witnesses and experts who have already been heard in the first instance shall take place in particular if the higher court deems this necessary due to doubts about the accuracy of the findings of fact contained in the judgment of the first instance.

§ 226

1) At the discretion of the presiding judge, the higher court may first deliberate on any appeal in a closed session without hearing the parties and immediately dismiss the appeal:

1. if it has been lodged by a person who is not entitled to appeal at all or not in the manner in which it is being exercised, or who has validly waived the right to appeal;

2. if it has been filed too late or if the notice of appeal does not expressly or in a clearly recognizable manner state the extent to which the judgment is being challenged, and if the notice of appeal or the statement of grounds for appeal does not contain any appeals or points of complaint, all subject to the reservation of the reopening of the proceedings.

2) If the appeal is directed solely against the ruling on private law claims, the High Court shall, as a rule, decide on the merits of the case in a closed session.

§ 227

The High Court may, in a closed session, uphold the appeal, overturn the judgment insofar as it is contested, and refer the matter back to the competent court if, even before the public hearing on

the appeal, it becomes apparent that the judgment must be set aside and the hearing in the first instance must be repeated.

§ 228

1) If a public hearing on the appeal is ordered, the summons shall be served on the appellant and the respondent at least ten days before the court date so that they may exercise their right of challenge, but shall be served on witnesses and experts in good time.

2) The summons shall inform both the defendant and the prosecutor that, in the event of their failure to appear, the case will be decided in accordance with the law, taking into account the arguments presented in the appeal or counter-appeal.

3) If the High Court considers it necessary for the defendant to appear in person at the appeal hearing, the summons may threaten him with compulsory attendance in the event of his failure to appear.

4) The private party must be informed of the scheduled court date with the remark that he is free to appear at the hearing.

5) If a defense attorney or representative has been named, a summons must also be sent to them.

§ 229

1) The hearing before the higher court is generally public in accordance with the rules of procedure for the first instance.

2) It shall begin with a presentation by a member of the High Court, which shall not contain any expert opinions or motions, but shall only cover the facts of the case and the course of the proceedings to date, insofar as this is necessary for the assessment of the appeal lodged, the essentials of any appeal statement or counter-statement submitted, and the resulting points of dispute.

3) The minutes of the final hearing may be read out, as may the judgment and the reasons for the decision.

§ 230

1) Thereafter, any witnesses and experts who have been summoned and the defendant, if he is present in person, shall be heard, in accordance with the rules laid down for the final hearing before the court of first instance.

- 2) The person who lodged the appeal is then asked to state the grounds for the appeal, followed by the opponent who is asked to respond.
- 3) The defendant and his defense counsel are in any case entitled to the right of final statement.
- 4) The court then withdraws to deliberate and reach a decision.

§ 231

- 1) The High Court shall dismiss the appeal if one of the grounds specified in § 226 becomes apparent during the public hearing. If, on the basis of the new hearing, the High Court is convinced that the proceedings and judgment of the court of first instance comply with the law, it shall dismiss the appeal.
- 2) However, the High Court may also set aside the proceedings and judgment and, depending on the circumstances, refer the criminal case back to the court of first instance for a new hearing and decision, or decide on the matter itself after the hearing has been conducted.
- 3) If the court of first instance has not accepted that the conditions under Section IIIa are met, the High Court shall set aside the proceedings and the judgment and refer the criminal case back to the court of first instance with the instruction to proceed in accordance with this section.

§ 232

- 1) An appeal lodged on behalf of the defendant against the verdict of guilt also includes an appeal against the sentence.
- 2) The higher court shall limit itself to the points raised in the appeal and shall only amend that part of the judgment of the court of first instance against which the appeal is directed.
- 3) If, on the basis of an appeal lodged by any party, the High Court is convinced that the criminal law has been incorrectly applied to the detriment of the defendant (§ 221), or that the same reasons on which its decision in favor of the defendant is based also apply to a co-defendant who has not lodged an appeal or has not lodged an appeal in the relevant direction, it shall proceed as if such an appeal had been lodged.
- 4) However, an appeal lodged in favor of the defendant may never result in the judgment being amended to the detriment of the defendant insofar as the sentence imposed is concerned.

§ 233

Unless the above provisions stipulate or permit otherwise, the provisions applicable to proceedings before a collegiate court of first instance shall apply mutatis mutandis to proceedings before the higher court.

II. Revision

§ 234

The reversal and amendment of a judgment handed down by the higher court may, provided that its appeal is not excluded, be requested from the Supreme Court:

1. pursuant to § 219 (2); a review on points of law is only admissible if, on the basis of an appeal on points of law, the court of appeal has established facts relevant to the decision that deviate from those established by the court of first instance;
2. if the court has violated the provision prohibiting the amendment of the judgment to the detriment of the defendant (§ 232);
3. if the decision of the higher court appears to be based on a factual assumption in a material point that contradicts the case files of the first and second instances.

§ 235

- 1) The decision of the High Court is final, unless a prison sentence of more than one year has been imposed.

2) Repealed

- 3) If the contested judgment is overturned by the High Court and the Regional Court is instructed to hold a new final hearing, the judgment of the High Court may only be contested if it stipulates that the order given to the Regional Court may only be enforced after it has become final.

- 4) Private parties and subsidiary plaintiffs have no right of appeal.

§ 236

- 1) It is not necessary to register the appeal; instead, the appellant must submit two copies of the appeal to the regional court within fourteen days of delivery of the higher court's judgment or notification of the original copy of the judgment, or declare the appeal on record at the regional court.

2) The opposing party shall be served with a copy of the appeal or a transcript of the record and may, within fourteen days of service, file a response to the appeal in the form specified in paragraph 1.

3) The appeal must state the individual grounds for appeal either explicitly or by clear reference and make specific requests; in addition, the appeal may contain factual and legal arguments.

4) This provision shall apply *mutatis mutandis* to the response to the appeal.

5) After the latter document has been submitted or after the expiry of the time limit specified for this purpose, all files relating to the criminal case in question shall be transferred to the Supreme Court.

§ 237

1) The Supreme Court usually decides on appeals in closed session and without oral proceedings. However, it may order oral proceedings either *ex officio* or upon request. A judgment may only be amended to the detriment of the defendant on the basis of oral proceedings.

2) It may decide on the merits of the case itself or, if it deems it necessary in the circumstances, set aside the judgment and refer the criminal case back to the court of first or second instance for a new hearing and decision.

3) In its decision, the Supreme Court shall, as a rule, confine itself to the grounds for appeal asserted in the appeal.

4) In all other respects, the provisions governing appeals shall apply *mutatis mutandis* to the appeal proceedings.

III. The complaint

§ 238

1) All judicial decisions, rulings, and orders that are not judgments may, unless there are legal exceptions, be challenged by means of an appeal to the higher court on the grounds of illegality or inappropriateness.

2) The decisions and rulings of the trial court preceding the final hearing in which the judgment is handed down may only be challenged by the defendant at the same time as the judgment.

- 3) Decisions of the High Court that do not give effect to an appeal lodged with that court may not be further appealed, unless the law provides for an exception.
- 4) An appeal may only be lodged against the ruling on costs if the judgment is not being contested at the same time on other grounds.

§ 239

- 1) In preliminary proceedings, anyone who considers themselves aggrieved by delays on the part of the investigating judge or by an order relating to the investigation or issued in the course of the investigation has the right to seek a decision on the matter from the High Court.
- 2) The High Court shall decide without delay on appeals against the order of arrest, against decisions to impose or continue pre-trial detention, against improper treatment of the arrested person, or against the lifting of pre-trial detention or milder measures (appeals against detention). In doing so, it shall also take into account any circumstances that have arisen or become known after the contested decision was made; it may also request clarification from the investigating judge or order supplementary investigations that can be carried out quickly. Before making its decision, the High Court must give the opponent of the appeal the opportunity to comment within a reasonable period of time. This does not apply if the subject matter of the appeal relates to orders whose success requires that they not be disclosed to the opponent of the appeal before they are implemented.
- 3) If the appeal is justified but has become moot in the meantime, the High Court shall recognize that the contested order or decision violated the law or was incorrectly applied.
- 4) If the High Court decides that the pre-trial detention should be lifted and the relevant circumstances also apply to a co-defendant who has not lodged an appeal, the High Court shall proceed as if such an appeal had been lodged.
- 5) If the file is submitted because an appeal has been lodged, this must not delay the proceedings; the investigating judge must retain copies (photocopies) of those parts of the file that are necessary for the continuation of the proceedings, or else submit a duplicate file.

1) The decisions of the High Court may be appealed to the Supreme Court in the following cases:

1. by the prosecutor and the accused regarding the separation of individual criminal cases from the joint criminal proceedings, regarding the determination of the amount of bail or its forfeiture;

1a. by the defendant against decisions rejecting an appeal against the imposition or continuation of pre-trial detention;

2. by the prosecutor against decisions rejecting a request to initiate an investigation, ordering an arrest, imposing or continuing pre-trial detention, or dismissing the case;

3. by all persons affected by an administrative or coercive penalty pursuant to §§ 52 and 96 (2);

4. in all other cases where an appeal to the Supreme Court is not excluded and there are no identical decisions pursuant to § 238 (3).

2) If the Supreme Court rules on an appeal against a decision by the High Court to continue pre-trial detention (para. 1 no. 1a), it shall rule only on the legality of the contested decision, but not on the continuation of pre-trial detention; such a decision shall not trigger a period of detention.

§ 241

1) An appeal may be lodged by any person who is entitled to appeal or who is denied rights or incurs obligations as a result of a decision or order.

2) Unless otherwise specified by law (§ 130 para. 5, § 132a para. 4), the deadline for filing an appeal in all cases in which the decision becomes effective vis-à-vis the parties either by service of a copy or by announcement of the decision is 14 days from service or oral announcement.

3) Repealed

4) Decisions and orders that have not been served or announced may be appealed at any time, provided that the appeal is not unfounded and the consequences of the decision or order can still be reversed.

5) This applies in particular to preliminary proceedings.

§ 242

1) Unless otherwise specified by law, an appeal shall have no suspensive effect. However, the presiding judge of the court of appeal may, ex officio or upon request, suspend the effect of the decision if circumstances exist that justify such a suspension. No further appeal may be lodged against this decision.

2) In preliminary proceedings, if the investigating judge considers an appeal to be well-founded, he may grant the appeal, in which case the appeal shall lapse.

§ 243

1) The appeal court shall decide without prior oral proceedings by means of a ruling, which shall be served on the appellant.

2) The appeal court shall reject appeals that are received late or that have been lodged by a person who is not entitled to lodge an appeal. In all other respects, however, it shall review the contested decision or order and the preceding proceedings within the limits set by the appellant's statement, the appeal application, and the grounds for appeal.

3) If the nullity or other grounds for appeal asserted are not already apparent from the files, the appeal court or the presiding judge may either conduct the necessary investigations themselves or arrange for them to be conducted. These investigations may consist, in particular, of requesting written statements from one or both parties or hearing the appellant or their opponent. Before making its decision, the parties shall be given the opportunity to comment in accordance with § 239 (2).

4) The appeals court may either overturn the decision or order and decide on the matter itself or refer the matter back to the lower court.

5) When deciding on an appeal lodged in favor of the accused, the orders or decisions against which the appeal is lodged may never be amended to the detriment of the accused.

may never be amended to the detriment of the accused. In all other respects, however, the appeal court is entitled to order the removal of any procedural defects to the advantage of the accused, even if no appeal could be lodged or was not lodged against them.

§ 244

Unless otherwise specified above, the provisions on appeals and revisions shall apply *mutatis mutandis* to the appeal.

XVI. Main section

Enforcement of judgments

§ 245

Any defendant acquitted by the judgment shall, if he was arrested, be released immediately after the judgment is pronounced, unless the immediate appeal by the public prosecutor or other legal reasons necessitate his continued detention.

§ 246

Unless otherwise specified, all legal effects of a criminal judgment shall commence upon its becoming final.

§ 247

1) Any final criminal judgment against a member of the clergy for a crime shall be communicated, together with the reasons for it, by the court to the bishop or ecclesiastical superior of the diocese to which the convicted person belongs, so that a decision on the removal from ecclesiastical office can be made before the sentence is carried out.

2) If this decision is not made within thirty days, the sentence shall be enforced without further ado.

§ 248

1) Criminal judgments against persons holding public office shall be enforced without further ado once they have become final, but a copy thereof, together with the reasons for the decision, shall be communicated to the government.

2) The same shall apply in cases where a conviction results in the loss of nobility, public titles or offices, honors, academic degrees, or other rights due to special legal provisions.

§ 249

- 1) If the convicted person does not pay a fine imposed on him immediately after it becomes final, he shall be requested in writing to pay the fine within four to ten days, failing which it shall be enforced. The same applies to forfeiture pursuant to Section 20 (3) of the Criminal Code.
- 2) Fines shall be collected in accordance with the provisions of the Enforcement Code.
- 3) Substitute imprisonment shall be enforced in the same way as other custodial sentences. However, enforcement shall be suspended if the convicted person pays the outstanding fine or provides evidence in the form of an unquestionable document that it has been paid. This shall be indicated in the sentence enforcement order and in the request to commence serving the sentence.
- 4) Paragraphs 1 to 3 shall apply mutatis mutandis to fines.

§ 250

- 1) If the immediate payment of a fine or a sum of money pursuant to § 20 StGB would place an unreasonable burden on the person liable for payment, the presiding judge shall, upon request, grant an appropriate deferral by means of a decision.
- 2) However, the deferral may not
 1. not exceed one year if the entire penalty or the entire amount of money is paid at once in accordance with Section 20 of the Criminal Code (StGB), or if a penalty not exceeding 180 daily rates is paid in installments,
 2. in the case of payment of a penalty not exceeding 180 but not exceeding 360 daily rates in installments, not longer than two years,
 - 2a. in the case of payment of a penalty exceeding 360 daily rates in installments, not longer than three years, and
 3. in the case of payment of a fine not calculated in daily rates or a sum of money pursuant to Section 20 StGB in installments, no longer than five years.
- 3) Periods during which the person liable for payment has been suspended by official order shall not be included in the deferral period granted. If the person liable for payment makes payments to compensate or satisfy a victim of the criminal offense, this shall be taken into account appropriately when deciding on an application for deferral. Taking into account compensation payments made within the period granted for payment of the fine or monetary amount pursuant to Section 20 StGB, the deferral may be extended appropriately, but for no longer than one additional year.

4) The payment of a fine or a sum of money pursuant to § 20 StGB in installments may only be permitted on condition that all outstanding installments become due immediately if the person liable for payment is in arrears with at least two installment payments.

5) The person liable for payment and the prosecutor may appeal against the decision of the presiding judge to the High Court, against whose decision no further appeal is possible.

6) Paragraphs 1 to 5 apply mutatis mutandis to the payment of fines, with the proviso that payment in installments may not exceed one year.

§ 251

1) In the case of subsequent mitigation of punishment, reassessment of the daily rate, and amendment of the decision on forfeiture, extended forfeiture (§ 31a StGB) or prohibition of activity (§ 220 (3) and (4) StGB) shall be decided by the court of first instance, upon request or ex officio, after considering the circumstances relevant to the decision.

2) The convicted person and the prosecutor may appeal against the decision under para. 1 to the higher court. There is no further appeal.

3) If the purpose of the decision pursuant to para. 1 could otherwise be wholly or partially thwarted, the court shall provisionally suspend or interrupt the execution of the sentence, forfeiture, or extended forfeiture until its decision becomes final, unless it has received an application that is manifestly futile.

§ 252

The Immigration and Passport Office shall be notified immediately of the conviction of a person who is not a Liechtenstein citizen.

§ 253

1) If the forfeiture, extended forfeiture, confiscation, or seizure of assets or objects has been pronounced and these are not already in judicial custody, the convicted person or the liable party (§ 30c) shall be requested in writing by the criminal court to to pay them within fourteen days or to transfer the power of disposal to the court, failing which coercive measures will be taken. If the person entitled to dispose of the assets does not comply with this request, the objects and assets shall be seized by way of execution.

2) Repealed

3) The court shall, after consulting the government, hand over forfeited or confiscated items that are of scientific or historical interest or are of interest for teaching, experimental, research, or other specialist activities to the relevant state institutions and collections in Liechtenstein. Items that can be used directly to cover the material costs of the judiciary shall be used for this purpose, while other items shall be sold in accordance with the provisions laid down in the enforcement proceedings. Items that cannot be sold or utilized shall be destroyed.

§ 253a

1) In the case of crimes committed abroad, the government may enter into an agreement with the country where the crime was committed on the division of forfeited or confiscated assets and may include in this agreement, in particular, conditions on the use of the assets.

2) The government is responsible for enforcement.

§ 254

The presiding judge of the court of first instance shall decide by order on the crediting of time spent in pre-trial detention by the convicted person after the judgment of first instance has been handed down (Section 38 of the Criminal Code). The convicted person and the prosecutor may appeal against this decision to the higher court within fourteen days, against whose decision no further appeal is possible.

§ 255

Upon the death of the convicted person, the obligation to pay fines shall expire insofar as they have not yet been enforced. This shall apply *mutatis mutandis* to fines and forfeiture compensation.

§ 256

1) Only the sovereign is entitled to grant a reduction or remission of the penalty imposed that is not provided for by law. The relevant applications shall be forwarded by the district court to the High Court, together with the files and an expert opinion, which may immediately reject the application if it is found to be unfounded, but otherwise shall submit it to the sovereign with its own expert opinion.

2) Petitions for clemency do not generally suspend the execution of the sentence. Only if a petition for clemency is submitted before the sentence is served and is based on circumstances worthy of consideration that arose only after the sentence was handed down may the execution of the sentence be suspended, insofar as otherwise the petition for clemency would be wholly or partially thwarted. When considering petitions for clemency, the court must always take into account the suspension of the execution of the sentence.

3) Immediately after passing a sentence whereby a young person who has not yet reached the age of eighteen is sentenced to a penalty, the court shall examine ex officio whether the convicted person should be recommended for clemency.

4) This examination of the question of pardon shall be recorded in the file.

5) If there are special reasons that make the convicted person appear worthy of pardon, the court shall also submit a specific request regarding the extent of the remission or commutation of sentence to be granted. The files shall be submitted to the higher court after the judgment has become final.

6) The district court may also request ex officio that juveniles who have not yet reached the age of 20 at the time of sentencing be granted clemency for the remainder of a prison sentence that has been largely served, if they have shown convincing signs of rehabilitation during their imprisonment.

XVII. Main section

Findings and orders of the criminal court regarding private law claims

§ 257

1) The damage resulting from the criminal offense and other circumstances relevant to the consequences under private law shall be taken into account ex officio. If there is any doubt as to whether the injured party is aware of the criminal proceedings taking place, they shall be notified thereof so that they may exercise their right to join the criminal proceedings.

2) In the event of joining the proceedings, it shall be left to the private party or, if the private party is not entitled to represent themselves, to their legal representative to assert their claims and provide sufficient evidence. The accused shall be heard

and the necessary investigations to ascertain the damage must be carried out. The private party may abandon the pursuit of their claims at any time, even during the final hearing.

§ 258

- 1) If the defendant is not convicted, the private party shall be referred to the civil courts at any time with their claims for compensation.
- 2) If the defendant is convicted, the court shall, as a rule, also rule on the civil claims of the injured party. If the criminal court considers that the results of the criminal proceedings are insufficient to enable it to make a reliable judgment on the claims for compensation, it shall refer the private party to the civil courts.
- 3) If the private party is referred to civil proceedings despite the conviction, they, their estate, and their heirs are entitled to appeal on the grounds that the civil claim could already have been decided in accordance with paragraph 2.

§ 259

- 1) If an item which the court is convinced belongs to the private party is found among the possessions of the defendant, an accomplice, or a participant in the criminal act, or in a place where it was placed or given by these persons for safekeeping only, the court shall order that the return take place after the judgment has become final. However, with the express consent of the accused, the return may also take place immediately.
- 2) This postponement of the return of items seized from the injured party may also be carried out by the investigating judge before the final hearing if their storage is not necessary for the transfer of the accused, an accomplice, or a participant and if the accused and the public prosecutor agree to this.

§ 260

If the confiscated property has already come into the hands of a third party who did not participate in the criminal act, in a manner valid for the transfer of ownership or as collateral, or if the ownership of the confiscated item is under

If several injured parties are in dispute, or if the injured party cannot sufficiently prove his right, the claim for the return of the goods shall be referred to the ordinary civil courts.

§ 261

1) If the property taken from the injured party can no longer be returned, as well as in all cases where it is not a matter of returning a taken object, but of compensating for damage suffered or loss of profit, or of redressing an insult caused, compensation or satisfaction shall be awarded in the criminal judgment, insofar as both the amount thereof and the person to whom it is due can be reliably determined.

2) If the investigations carried out give reason to suspect that the injured party is overstating their damages, the court may, after considering all the circumstances and, if necessary, after obtaining an expert opinion, moderate the amount.

§ 262

1) If the defendant's guilt results in the total or partial invalidity of a legal transaction or legal relationship entered into with him, the criminal judgment shall also rule on this and on the legal consequences arising therefrom.

2) However, the legally binding declaration that a marriage or registered partnership is invalid is always reserved for the civil courts. The criminal court can only assess the invalidity of a marriage or registered partnership as a preliminary issue (Section 5).

§ 263

The private party is free to take civil action if they are not satisfied with the compensation awarded to them by the criminal court.

§ 264

Enforcement may be carried out on the basis of the final criminal court ruling on civil law claims.

§ 264a

1) If the private party has been awarded legally binding compensation for homicide, bodily injury, damage to health, or damage to property, the state may grant the private party or their heirs an advance on the compensation amount in accordance with the following provisions.

The award of compensation in the criminal judgment is equivalent to the injured party obtaining another enforceable title against the convicted person in the country for the criminal offense that is the subject of the conviction.

2) An advance payment may only be granted at the request of the entitled party and only to the extent that it is apparent that the prompt payment of the compensation amount or a corresponding part thereof is exclusively or predominantly prevented by the fact that the custodial sentence or fine imposed on the convicted person in the same proceedings is being enforced.

3) A delay in the prompt payment of compensation within the meaning of paragraph 2 shall be presumed without further ado if the convicted person pays the fine imposed on him, even in installments, or otherwise pays this fine, but payments to the injured party or his heirs are not made and cannot be expected to be made by way of enforcement.

4) An advance payment cannot be granted to individual legal successors to whom the claim for compensation has been transferred by operation of law. Art. 22 (1) and (2) of the Victim Assistance Act apply *mutatis mutandis*.

5) The granting of an advance payment is excluded if, in view of the applicant's income and financial circumstances, his statutory maintenance obligations, and his other personal circumstances, he can clearly be expected to accept the frustration of the claim. Furthermore, an advance payment may not be granted if the applicant has a claim against a third party for corresponding benefits and the pursuit of this claim is reasonable and not obviously futile. The advance payment may not exceed the amount of compensation that could have been paid by the convicted person within one year without the enforcement of the sentence (para. 2).

6) The granting of an advance payment is also excluded if

1. insofar as a claim exists under the Victim Assistance Act;
2. insofar as the claim extends to benefits that would not be payable if claims under the Victim Assistance Act existed.

7) Advances on claims for damage to property shall only be granted to the extent of the actual compensation (§ 1323 of the General Civil Code).

8) The court shall decide on applications for advances by means of a ruling. The ruling may order that the advance be paid in installments within one year. The ruling shall be served on the applicant and the convicted person. The public prosecutor's office and the applicant may lodge an appeal with the higher court within fourteen days of notification. As soon as the decision to grant an advance payment becomes final, the court shall request the Office of Finance to make the payment, if necessary in accordance with the order made in this regard.

9) Insofar as the state has made an advance payment, the applicant's claims are transferred to the state by operation of law. The last sentence of § 1395 and the first sentence of § 1396 of the General Civil Code shall apply *mutatis mutandis* to the effectiveness of this transfer of claims against the convicted person. As soon as the claims have been transferred to the state, the convicted person shall make payments to the Office of Finance up to the amount of the advance granted.

10) If the convicted person fails to make any payments (paragraph 9), the Finance Office shall enforce collection of the claim. If immediate enforcement would be manifestly futile in view of the execution of the sentence, it may be postponed until after the sentence has been served.

§ 264b

If, in the case of forfeiture pursuant to § 20 StGB or extended forfeiture pursuant to § 20b StGB, the private party has been legally awarded compensation but this has not yet been paid, the private party shall have the right, notwithstanding § 264a, to demand that its claims be satisfied from the assets collected by the state.

§ 265

The amendment of a legally binding criminal court ruling on private law claims due to newly discovered evidence, as well as the suspension of its enforcement due to a subsequent circumstance, may only be requested by the convicted person and their legal successors before a civil court, except in the case of a retrial of the criminal proceedings for other reasons.

§ 266

If property that appears to belong to someone else is found in the possession of the accused, and he cannot or will not name the owner, and if no one has come forward to claim ownership within a reasonable period of time, the investigating judge shall draw up a description of such property in such a way that it can be recognized by the owner, but that some essential distinguishing features are concealed in order to reserve the description of the property to the owner as proof of his right.

§ 267

Such a description shall be made public by edict in those places where the accused has stayed or where the criminal acts with which he is charged were committed. In this edict, the owner shall be requested to come forward within one year of the date of the edict and prove his right of ownership.

§ 268

If the foreign property is of such a nature that it cannot be stored for a year without risk of spoilage or other rapid loss of value, or if storage would involve costs, it shall be sold by public auction. In the cases referred to in Article 189 of the Enforcement Regulations, a private sale is also permissible. The purchase price shall be paid to the court. At the same time, a detailed description of each item sold, stating the buyer and the purchase price, shall be attached to the files.

§ 269

1) If, within the period specified in the edict, no one asserts their right to the items described, these items, or their proceeds if they were sold due to urgency, shall be returned to the defendant at their request, unless the High Court has ruled that the legality of the defendant's possession is not credible.

2) There shall be no legal remedy against these decisions.

§ 270

Items that are not returned to the accused shall be sold at public auction in accordance with the provisions of § 271.

§ 268 and the purchase price must be paid to the Finance Office. However, the entitled party is free to assert their claims to the

purchase price against the state treasury within thirty years of the date of the edict through civil proceedings.

XVIII. Main section

On the resumption of criminal proceedings and reinstatement against the expiry of time limits

I. Resumption of proceedings

§ 271

1) If criminal proceedings against a specific person have been terminated by dismissal, rejection of the indictment, or withdrawal of the indictment before the final hearing, a request by the public prosecutor or private prosecutor for the reopening of criminal proceedings may only be granted if the offense is not yet time-barred and if new evidence is presented that appears sufficient to justify the punishment of the accused.

2) A private prosecutor who has withdrawn his or her complaint may never be granted the resumption of criminal proceedings.

§ 272

A person who has been convicted by a final judgment may request the reopening of the proceedings even after the sentence has been served:

1. if it is proven that his conviction was caused by the falsification of a document or by false testimony or bribery or any other criminal act by a third party;
2. if they provide new facts or evidence which, alone or in conjunction with the evidence previously presented, appear to justify the acquittal of the accused or a conviction for an offense falling under a more lenient criminal law, or if
3. two or more persons have been convicted of the same offense by different judgments and, upon comparison of these judgments and the facts on which they are based, the innocence of one or more of these persons must necessarily be assumed.

§ 273

The public prosecutor may request the reopening of criminal proceedings in order to have an act for which the defendant has been convicted judged under a more severe criminal law only under the conditions mentioned in § 274 and, moreover, only if the act actually committed

1. is punishable by at least ten years' imprisonment, whereas the defendant was convicted only of an offense punishable by no more than ten years' imprisonment, or

2. is punishable by more than five years' imprisonment, whereas the defendant was convicted only of a misdemeanor, or

3. constitutes a felony, whereas the defendant was convicted only of a misdemeanor or a violation punishable by imprisonment for not more than one year.

§ 274

In the case of an act for which the defendant has been acquitted by a final judgment, the public prosecutor may only request the reopening of the proceedings insofar as the punishability of the act has not yet expired due to the statute of limitations and insofar as either

1. the judgment was obtained by forgery of a document or by false testimony, bribery, or any other criminal act by the defendant or a third party, or

2. the defendant later confesses to the offense attributed to him in or out of court, or other new facts or evidence come to light which, alone or in conjunction with the evidence previously presented, appear to justify the conviction of the defendant.

§ 275

The retrial must be requested at the regional court. The investigating judge must conduct the necessary investigations into the facts on which the request is based and submit them to the higher court for a decision on the admissibility of the retrial, which shall decide on this matter without further appeal.

§ 276

In favor of the defendant, the retrial may be requested by the defendant himself or, even after his death, by all those persons who would be entitled to appeal on his behalf.

§ 277

1) The decision ordering the reopening of criminal proceedings declares the previous judgment to be set aside insofar as it concerns the criminal act in respect of which the retrial was ordered. The legal consequences of the conviction pronounced in the first judgment continue to apply for the time being and are only to be regarded as set aside if and to the extent that they are declared to be null and void in the retrial.

The legal consequences of the conviction pronounced in the first judgment shall continue to apply for the time being and shall only be deemed to be set aside if and to the extent that they do not also have to be applied under the new judgment.

2) The enforcement of the decision contained in the earlier judgment on private law claims shall only be permissible for the duration of the reopened proceedings until security has been provided.

§ 278

1) As a rule (§ 279), the case shall be returned to the investigation stage as a result of the reopening. This shall be conducted and supplemented in accordance with the decision ordering the reopening and the new evidence. The provisions applicable to the discontinuation of the investigation and the bringing of charges shall also apply here. If, as a result, the proceedings are terminated without a final hearing, the accused has the right to demand public announcement of the discontinuation or the finding by which the indictment was finally dismissed (§ 173). These decisions have the same effect as the finding by which the accused is acquitted.

2) If a new final hearing is held, the private party shall also be notified thereof; a new judgment shall be rendered after the evidence has been presented.

3) If the defendant is convicted by this judgment, the sentence already served shall be taken into account when determining the sentence.

4) If the retrial is only in favor of the defendant, the new judgment may not impose a heavier penalty on him than that imposed by the first judgment.

5) The new judgment may be appealed against in the same way as any other judgment.

§ 279

If the High Court declares the reopening of criminal proceedings in favor of the accused to be admissible, it may immediately pass judgment, whereby the accused is acquitted or his application for a more lenient sentence is granted.

§ 280

1) A convicted person's request for the reopening of criminal proceedings shall not suspend the execution of the sentence, unless the High Court considers the suspension of the execution of the sentence to be appropriate in the circumstances of the case.

2) If the admissibility of the retrial is declared, the execution of the sentence shall be suspended immediately (§ 277) and a decision shall be made on the detention of the accused in accordance with the provisions contained in Chapter XI.

§ 281

The criminal proceedings may be initiated or continued by the regional court in accordance with the general provisions, irrespective of the conditions and formalities for reopening the case:

1. if the investigation (§ 41) or the investigation (§ 283) has been discontinued before a specific person has been treated as an accused or as a suspect in court;
2. if the private prosecutor who is still entitled to bring an action does so, whereas in the earlier proceedings the discontinuation or acquittal was solely due to the lack of a request by a party required by law;
3. if the public prosecutor has reserved the right to prosecute when withdrawing from prosecution pursuant to Section 21 (2) or when making a declaration pursuant to Section 67 (4) and no more than three months have elapsed since the final conclusion of the domestic criminal proceedings or no more than one year since the final conclusion of the foreign criminal proceedings; if, upon termination of the criminal proceedings for a felony or misdemeanor, the prosecutor has reserved the right to prosecute for other criminal offenses (Section 210 (2)), or if grounds for suspicion of another criminal offense committed earlier have only emerged subsequently;
4. if the act constituting a crime has been treated by the single judge as a misdemeanor punishable by no more than six months' imprisonment or as a violation (§ 317) due to incorrect application of the law, provided that no more than twelve months have elapsed since the decision of the single judge.

II. Reinstatement against the expiry of time limits

§ 282

1) The accused may be reinstated to their previous status if they have missed the deadline for filing or executing an appeal, provided that they:

1. proves that unforeseeable or unavoidable events made it impossible for him to meet the deadline or take the procedural action, unless he or his representative is guilty of more than a minor oversight;
2. has applied for reinstatement within fourteen days of the cessation of the impediment, and
3. submits the application or execution of the appeal at the same time.

2) The application must be submitted to the district court, which must forward the files to the higher court for a decision, if necessary after conducting the investigations required to clarify the grounds for reinstatement. However, if the application for reinstatement concerns a failure to meet a deadline that has already led to a rejection decision by the Supreme Court, the latter shall be competent to decide on the application for reinstatement instead of the higher court.

3) The application shall not suspend enforcement until reinstatement has been granted, unless the court to which it is submitted considers it appropriate in the circumstances of the case to order a stay of enforcement.

4) No appeal is admissible against the granting of reinstatement.

5) If reinstatement is granted against the failure to meet the deadline for filing an appeal, the deadline for the execution of this appeal shall run from the date of service of the decision granting reinstatement.

XIX. Main section

Proceedings against unknown, absent, and fugitive persons

§ 283

If the perpetrator of a crime or misdemeanor is unknown or cannot be brought to trial, the nature of the offense must nevertheless be investigated with the prescribed care and accuracy. In such cases, the proceedings shall only be discontinued when there are no longer any grounds for further investigation, until the perpetrator is discovered or found in the future.

§ 284

If an absent person, who is not likely to have fled, appears to be accused of a crime or misdemeanor and the conditions for an arrest warrant under § 127 are not met, only an investigation into their whereabouts shall be initiated, and only if they fail to appear after being summoned shall an order for their appearance be issued against them or, depending on the circumstances, the measures specified in the following sections shall be applied against them.

§ 285

If, under the circumstances, it can be assumed that the accused has fled, or if an absent person is accused of a crime or offense under circumstances that would justify his arrest under § 127, the authorities responsible for investigating and prosecuting crimes and offenses shall, in order to apprehend the accused, resort to circumstances such as house searches, letters of request to other authorities in whose area he is likely to be found, judicial prosecution, or wanted notices.

§ 286

Under the conditions specified in § 103 (1) nos. 1 to 3, the court may also order the surveillance of electronic communications in proceedings for an intentional criminal offense punishable by more than one year's imprisonment if it can be expected that the surveillance will enable the whereabouts of the fugitive or absent accused to be ascertained. Section 103 (2) and (3) and Section 104 shall apply *mutatis mutandis*.

§ 287

If there is hope of apprehending a fugitive suspect by pursuit, the investigating judge and, in urgent cases, the state police are obliged to have the suspect pursued by persons appointed for this purpose.

§ 288

1) Wanted posters may only be issued for fugitives and for defendants whose whereabouts are unknown if they have committed a crime.

or a deliberately committed offense punishable by more than one year's imprisonment. Wanted notices may only be issued by a court.

2) A wanted notice shall also be issued if a person arrested for one of the criminal offenses mentioned in paragraph 1 escapes from the remand or penal institution.

3) No wanted notice may be issued against persons accused of criminal offenses other than those specified in paragraph 1; however, if their apprehension is of great importance, a description of them may be communicated to the authorities with the request that they notify the criminal court if they are found.

§ 289

1) Each wanted poster must name the criminal offense of which the accused is suspected, describe the person as accurately as possible, and include a request for provisional arrest and delivery of the same. The wanted posters must be distributed and, in particular, communicated as quickly as possible to the state police and supervisory authorities in the area. If necessary, the wanted notices shall also be published in the public press, possibly accompanied by a photograph of the accused.

2) As with the wanted posters, the description and publication of stolen or robbed items, objects of fraud or a criminal act committed against the security of traffic in money, securities and stamps must also be carried out. The description shall be published in particular if the items are of great value or are of such a nature that there is hope that their publication will lead to the discovery of the perpetrator, prevent further harm, or provide compensation to the injured party. Everyone is obliged to immediately report any information they have about the items described to the state police or the public prosecutor's office.

§ 290

As soon as the reasons for the wanted notice or description no longer apply, it must be revoked immediately.

§ 291

An absent or fugitive defendant who declares his willingness to appear before the court under secure escort may be granted such escort by the

court, after obtaining the opinion of the public prosecutor, may be granted, if necessary against security, with the effect that the accused shall be released from custody until the judgment is rendered in the first instance.

§ 292

Safe conduct shall only be effective in relation to the criminal offense for which it is granted. It shall cease to have effect if the accused fails to appear in response to a summons issued to him without sufficient justification, if he makes preparations to flee, if he evades the continuation of the investigation by fleeing or concealing his whereabouts, or if he fails to fulfill one of the conditions under which safe conduct was granted to him.

§ 293

1) If, at the end of the investigation, the prosecutor brings charges for a crime or misdemeanor against an accused whose whereabouts are unknown or who is not in the Principality of Liechtenstein, the indictment shall be served on the defense counsel appointed for this purpose. In all other respects, the provisions of Chapter XIII shall apply.

2) The transfer to the indictment stage, which has become legally binding, must be published in the form of a wanted notice if the offense is a felony and the defendant is either unknown or is located in a country with which there is no extradition agreement.

§ 294

Criminal proceedings against persons who cannot be served with a summons to the final hearing shall be suspended until they appear in court.

§ 295

1) If the defendant does not appear at the final hearing, unless otherwise specified in this Act (§ 327), the hearing may only be conducted in his absence and the judgment may only be handed down if the offense with which he is charged falls within the jurisdiction of the single judge (§ 15 (3)) or the criminal court for the offenses specified in § 15 (2) (2) or for the crimes of money laundering (§ 15 (2) (3)), and if the defendant is not a foreign national. single judge (§ 15 (3)) or the criminal court for the offenses specified in § 15 (2) No. 2 or for the crime of money laundering (§ 165 (4) StGB), and if the defendant has already been questioned during the investigation and the summons to the final hearing has been served on him in person.

2) In this case, the responsibility assumed by the defendant during the investigation shall be read out in the final hearing and a copy of the judgment shall be served on him. If this is not possible due to his absence, the judgment shall be served in accordance with Art. 8 (2) ZustG.

§ 296

1) However, if the final hearing cannot be conducted or continued in the absence of the defendant because the above conditions are not met or because the court considers that a completely satisfactory clarification of the facts cannot be expected in the absence of the defendant, the defendant shall be brought before the court.

2) If the appearance cannot be effected, the criminal proceedings shall be suspended until the defendant appears.

§ 297

1) The defendant may not only appeal against the judgment rendered in his absence, but also lodge an objection with the regional court within fourteen days of service of the judgment in absentia. An appeal may also be lodged within this period (§ 222 (1)).

2) The objection shall be upheld if it is proven that the defendant was prevented from appearing at the final hearing by an insurmountable obstacle. In this case, a new final hearing shall be ordered. If the defendant fails to appear at this hearing as well, the judgment challenged by the objection shall be deemed final and binding on him.

§ 298

1) The High Court shall decide on the appeal in a closed session. If it rejects the appeal, the defendant shall no longer have any legal remedy available.

2) If the convicted person has also appealed against the judgment (§ 218) or if an appeal has been lodged by another party, the High Court shall first decide on the objection and only if it is rejected shall it proceed to examine the appeal. The general provisions (§§ 234 ff) shall apply to appeals against the appeal decision.

§ 299

The failure of a defendant to appear shall not delay the proceedings against the co-defendants who are present. If, in such cases, items that may serve to identify the defendant are returned to their owners

, the latter may be obliged to produce the evidence again upon request. At the same time, a detailed description of the items set aside shall be added to the files.

XX. Main section

Costs of criminal proceedings

§ 300

- 1) The fees payable for submissions, hearings, inspections, negotiations, judgments, decisions, etc., in addition to court costs, shall be determined by law.
- 2) Where the following provisions refer to the reimbursement of costs, they shall also apply mutatis mutandis to the payment of fees.

§ 301

- 1) The costs for which the defendant may be required to pay compensation include:
 1. expenses for service of process, summonses, and errands;
 2. the costs of bringing the accused and other persons to court and transporting them;
 3. the fees of witnesses and experts;
 4. the fees of defense attorneys and other representatives of the parties;
 5. the costs of feeding the accused during pretrial detention;
 6. the travel expenses and allowances of court officials and the public prosecutor;
 7. the costs of enforcing a criminal judgment.
- 2) The fees referred to in paragraphs 1 to 3 and 5 to 7, as well as the fees of the legal aid defense counsel assigned to the accused, shall be advanced by the Office of Finance.

§ 302

- 1) The fees of experts, court officials, etc. shall be determined by the court, unless the rates are regulated by special provisions.
- 2) Repealed
- 3) Repealed

§ 303

- 1) Witnesses who live on a daily or weekly wage and who would therefore suffer a loss of earnings if they were deprived of even a few hours of work

the court hearing them shall, at their request, determine not only compensation for the necessary costs of travel to and from the court, but also compensation for lost earnings and any higher costs of staying at the place of hearing, taking all circumstances into reasonable consideration. Other witnesses may, at their request, be granted reasonable compensation for the necessary expenses of travel and stay at the place of examination only if the place of examination is different from their usual place of residence.

2) The private prosecutor is not entitled to witness fees; other injured parties are only entitled to them if they are summoned to be heard as witnesses.

§ 304

The costs of providing for the accused during pretrial detention and for the convicted person during imprisonment include the expenses for food, storage, heating, lighting, any necessary purchases, and the cleaning of laundry and clothing, as well as any medical and delivery costs.

§ 305

1) If the defendant is found guilty of a criminal offense by a criminal judgment, the judgment shall also state that he or she must reimburse the costs of the criminal proceedings.

2) However, if the proceedings relate to several criminal offenses, the court shall, as far as practicable, exclude from compensation the costs relating to those offenses of which the defendant is not found guilty.

3) However, the obligation to reimburse costs shall only apply to the person who has been convicted by a final judgment; it shall not pass to the heirs. Each of several co-defendants shall be ordered to bear the costs incurred by his or her maintenance in pre-trial detention, his or her defense, the execution of the sentence, or by special events that occurred only to him or her or by his or her special fault. All accomplices and participants shall be jointly and severally liable for the payment of all other costs of the criminal proceedings, unless the court finds special reasons to limit this liability.

§ 305a

In the case of proceedings under Part IIIa, the public prosecutor may only withdraw from the prosecution or the court may only discontinue the criminal proceedings after the suspect has paid a lump sum contribution of up to 3,000 francs. The payment of a lump-sum contribution shall be waived if it would jeopardize the basic livelihood of the suspect and his or her family, for whose maintenance he or she is responsible, or the fulfillment of the compensation for the offense.

§ 306

1) If the criminal proceedings are terminated in a manner other than by a conviction, the costs of the proceedings and the defense shall be borne by the state. If the accused (defendant) has contributed to the initiation or prolongation of the proceedings through his conduct or has otherwise increased the costs of the proceedings, it shall be at the discretion of the court hearing the case whether the costs necessary for the defense shall be borne by the state. However, if the criminal proceedings took place at the request of a private prosecutor or, in accordance with § 32, solely at the request of the private party, the latter shall be ordered to reimburse all costs incurred as a result of their intervention in the decision concluding the proceedings for the instance. However, the private parties shall not be reimbursed for costs if the criminal proceedings are terminated in accordance with Part IIIa.

2) If several private prosecutors or private parties have unsuccessfully sought punishment of the same persons for the same act, they shall be jointly and severally liable for the costs of the criminal proceedings. If they have unsuccessfully sought the punishment of different persons or the punishment of the same persons for different acts, each shall be liable for the specific costs incurred solely as a result of his application and for the lump-sum contribution to costs that would have been payable if his accusation had been the sole subject of the proceedings; the court shall determine the shares of the individual accusers in the joint costs according to the extent of their participation in the proceedings.

3) The public prosecutor may never be ordered to pay the costs. However, official liability remains unaffected.

4) If the criminal proceedings were initiated on the basis of a knowingly false report, the costs shall be borne by the person who made the report. The same shall apply in the event of the defendant's acquittal, insofar as he caused the proceedings to be initiated without cause.

§ 307

The person who lodged the appeal or requested the reopening of the proceedings shall be liable for the special costs incurred as a result, insofar as the former was completely unsuccessful or the latter was rejected.

§ 308

1) However, the costs of the criminal proceedings shall only be recovered from the person liable for compensation to the extent that this does not jeopardize the maintenance of the person liable for compensation and his family, for whose maintenance he is responsible, necessary for a simple standard of living, nor the fulfillment of the obligation to make good the damage resulting from the criminal act.

2) Persons for whom maintenance payments are awarded during their imprisonment shall reimburse the costs of their meals from these payments.

3) The decision on the recoverability of costs shall, as far as practicable, be made at the time the judgment is rendered. The decision on the subsequent payment of the costs of the legal aid defense counsel pursuant to § 26f remains reserved.

Section 309

1) Appeals against decisions on the cost item shall be combined with the appeal or revision lodged against the judgment.

2) Separate appeals against decisions of the regional court on the issue of costs shall be decided finally by the higher court.

§ 310

Anyone who uses a representative in criminal proceedings shall, as a rule, also pay the costs incurred for this representation, even if such a representative is appointed ex officio by the court. The amount of the representation fee shall be left to the free agreement between the representative and the party liable for payment; if no agreement is reached, either party is free to apply to the district court for a determination of these fees, which, after hearing the other party and allowing for an appeal to be lodged with the higher court within fourteen days, shall make the determination. The decision of the higher court cannot be appealed. When assessing the fee, the court is not bound to any specific amount, but must take into account the effort involved in the representation itself

and the financial circumstances of the person represented.

§ 311

1) In cases where the defendant, the private prosecutor, or the persons referred to in § 306 (4) are responsible for reimbursing the costs of the proceedings, these persons shall also reimburse all costs of defense and representation.

2) If no agreement is reached, the amount of these costs shall be determined in the manner specified in § 310.

XXI. Main section

Proceedings before a single judge

§ 312

1) Proceedings before a single judge shall only apply, otherwise being null and void (§ 220 (1)), if the criminal court does not have jurisdiction (§ 15).

2) First, the single judge shall apply the provisions contained in this main section. However, in all matters for which no specific provision is made herein, the provisions applicable to proceedings for crimes in general shall apply.

§ 312a

Any person whose rights have been infringed by a criminal offense that is prosecuted ex officio is free to join the criminal proceedings. If the public prosecutor refuses to prosecute, the private party may file a criminal complaint, unless the prosecution has been terminated in accordance with Part IIIa or the court has terminated criminal proceedings within the meaning of § 42 StGB.

§ 313

1) Proceedings before a single judge shall be initiated by a written application from the prosecutor for the punishment of the accused. This application must contain the information specified in § 163 (2) nos. 1 to 3. The application must also specify the evidence that the prosecutor intends to use in the final hearing. The public prosecutor may also apply for the arrest of the accused at the same time.

2) The criminal complaint must be addressed to the single judge and, if no investigation has taken place, submitted directly to him, otherwise to the investigating judge. The investigating judge shall forward the files to the single judge after making any additions that may be necessary to complete the investigation.

completed the investigation and made any necessary additions, to the single judge.

3) There is no right of appeal against the criminal complaint.

§ 314

For the preparation of the final hearing, the final hearing, and the judgment, the provisions of Chapters XIII and XIV shall apply *mutatis mutandis*, with the following deviations and additions:

1. A copy of the criminal complaint must be enclosed with the summons of the accused to the final hearing. In addition to the content prescribed in § 179, the summons of the accused must also contain a request to bring along any evidence serving his defense or to notify the court in good time so that it can be obtained in time for the final hearing. The accused must also be informed of their right to a defense counsel (§ 26 (1)) and of the conditions for the appointment of a defense counsel under § 26 (2).

2. Insofar as the provisions of Sections 168 and 201(b) allow the investigating judge to conduct further investigations or inquiries, they are only applicable if this evidence cannot be included in the final hearing.

3. If no investigation has taken place, the final hearing shall be closed to the public at the request of the accused.

4. The single judge has the powers and duties of the criminal court and its presiding judge.

5. Instead of the indictment, the criminal complaint must be presented.

6. If the single judge considers himself to be incompetent because the facts underlying the criminal complaint, either in themselves or in conjunction with the circumstances that emerged during the final hearing, establish the jurisdiction of the criminal court, he shall declare his incompetence by judgment (Section 15 (5)).

As soon as this judgment becomes final, the prosecutor shall, within fourteen days (§ 158 (1)), file the motions necessary to initiate or continue the proceedings. However, if the criminal court or another higher court refers the matter back to the single judge, the latter may no longer dismiss it on the grounds of lack of jurisdiction. The same applies in the event of a referral back or assignment as a result of a decision by an appellate court.

§ 315

- 1) After the conclusion of the hearing, the judgment shall be pronounced by the judge, together with the essential reasons, and shall be incorporated into the record or attached thereto, otherwise it shall be null and void.
- 2) However, if the defendant is acquitted or convicted after a comprehensive confession supported by the other findings of the trial, or if the indictment consisting of several counts is dealt with partly in one way and partly in another, and in all these cases the parties waive all legal remedies or do not file an appeal within the time limit available for this purpose, the judgment may be replaced by a judgment note signed by the judge and the clerk, which must contain:
 1. the information referred to in § 215 (2) with the exception of the reasons for the decision;
 2. in the case of a conviction, the circumstances relevant to the determination of the penalty in keywords;
 3. in the event of a conviction resulting in a fine calculated on a daily basis, the circumstances relevant to the calculation of the daily rate (Section 19 (2) StGB) in keywords.
- 3) If, in the event of a conviction, a private party is referred to civil proceedings for compensation claims (§ 258 (2)), the facts accepted as proven by the court must also be summarized.
- 4) The external form of the judgment note within the meaning of the two preceding paragraphs shall be determined by the government by means of an ordinance.
- 5) The judge is authorized to postpone the pronouncement of the judgment until the following day after the conclusion of the hearing.

§ 316

The same legal remedies and appeals are available against the judgments and decisions of the single judge as against judgments and decisions of the criminal court. The same applies to the enforcement of judgments, the findings and orders of the criminal court with regard to private law claims, the reopening of criminal proceedings, the reinstatement of time limits, proceedings against unknown persons, absent persons, and fugitives, and the costs of criminal proceedings. However, in the analogous application of Sections XV to XX, the presiding judge shall be replaced by the single judge.

Simplifications of proceedings before a single judge in cases of misdemeanors and certain offenses

§ 317

The provisions of this chapter shall apply in amendment and supplement to the proceedings before a single judge regulated in Chapter XXI as soon as it is established that only misdemeanors or offenses are to be judged, provided that the latter are punishable only by a fine or a prison sentence not exceeding six months.

§ 318

If the judge finds that he does not have jurisdiction, he may, instead of issuing a judgment of lack of jurisdiction pursuant to § 314 (6), forward the files to the public prosecutor so that the latter may file the motions necessary to initiate the appropriate proceedings.

§ 319

1) A written or oral request by the public prosecutor for legal punishment is sufficient to initiate proceedings. This request must specify the time, place, and nature of the criminal offense with sufficient clarity, citing the applicable legal provisions.

2) There is no formal investigation.

3) The public prosecutor does not have to be present at the final hearing in the first instance, unless it takes place on the basis of an objection raised by him against a penalty order (§ 329 (1)).

4) If the judge is convinced that the act on which the application is based is not punishable by law or that there are circumstances which negate the punishability of the act or preclude prosecution for the act, he shall discontinue the proceedings by order.

§ 320

A person whose rights have been infringed by a criminal offense that is prosecuted ex officio is free to join the criminal proceedings. If the public prosecutor refuses to prosecute, the private party may file a motion for legal punishment (§§ 319 (1) and 326 (2)), unless the prosecution has been terminated in accordance with Part IIIa.

§ 321

1) If the accused is brought before the judge and confesses to the offense with which he is charged, or if the accused appears before the judge and the prosecutor is also present and all evidence for the prosecution and the defense is available, the judge may, with the consent of the accused, proceed immediately with the hearing and pass judgment.

2) In all other cases, however, a date for the hearing shall be set after any preliminary investigations deemed necessary have been carried out.

§ 322

In all preliminary investigations, the judge shall generally observe the rules laid down for the investigation of crimes, subject to the following restrictions:

1. Except in the cases mentioned in § 127 (1) nos. 2 and 3, the accused may only be arrested if he fails to comply with an express request to appear in person. Travelers shall be allowed to continue their journey, provided that there is no reason to fear that this will frustrate the investigation or the enforcement of the judgment.

2. If the summons cannot be served on the accused, further proceedings shall be suspended until he or she appears. The issuance of wanted posters is not permitted; however, in more important cases, a description of the accused may be communicated to the authorities.

3. Pre-trial detention may only be imposed in the cases specified in § 127 (1) nos. 2 and 3.

4. Repealed

5. Court witnesses are not required for any investigative proceedings.

6. In the case of an inspection or the obtaining of an expert opinion, the consultation of an expert is sufficient.

7. Minutes need only be taken for investigations that are to be used as evidence at the trial and are not to be repeated at the trial; in other cases, it is sufficient for the minute-taker or the interrogating judge himself to make a brief record of the essential content of the statements made by the persons questioned.

8. A defense attorney shall not be appointed ex officio except in cases where the defendant is remanded in custody.

§ 322a

- 1) In the case of violations of the Road Traffic Act, the judge may order the suspect to provide security in the amount of the presumed fine and procedural costs if he does not have a permanent residence in the country.
- 2) If the suspect does not provide the security immediately, the judge may order the provisional withdrawal of the driver's license for up to five days.
- 3) Under the conditions set out in paragraphs 1 and 2, the state police may provisionally collect a security deposit of up to CHF 5,000 or provisionally confiscate the driver's license.
- 4) The state police must immediately issue the suspect with a certificate confirming the security deposit collected or the temporary confiscation of the driver's license and inform them that a court order will be issued within 48 hours and that this order will only be served at the express request of the suspect. The security deposit or driver's license must be submitted to the district court with the report within 24 hours at the latest.
- 5) If the court proceedings are discontinued, the accused is acquitted, or a final conviction is handed down, the security deposit shall be released, subject to paragraph 6, and shall be returned to the entitled person.
- 6) The security deposit shall be credited against the legally binding fine and the costs of the proceedings.

§ 323

Witnesses are not usually sworn in. However, if the aim is to convict a defendant who denies the charges on the basis of witness testimony, they must be sworn in according to the regulations if the accused specifically requests their swearing-in and if the offense is punishable by imprisonment exceeding one month or a fine exceeding sixty daily rates, provided that there is no legal obstacle to their swearing-in.

§ 324

If the hearing cannot take place immediately after the indictment has been filed in accordance with § 321, the accused, if not in custody, shall be summoned to the hearing by written order, which shall contain the essential facts of the criminal offense with which he is charged and the request

to appear at the appointed time and to bring with him the evidence in his defense or to notify the judge in such a timely manner that it can still be obtained for the hearing. At the same time, a warning shall be added that, in the event of his failure to appear, the hearing and judgment would nevertheless proceed.

§ 325

1) As a rule, the summons shall be issued in such a way that the accused has at least three days between the time of service and the hearing, taking into account the time needed to travel to the place of the court. In urgent cases, however, in the case of minor offenses and if the defendant is at the place of the court, the period may be shortened. Only on the basis of certified significant obstacles may the defendant's request for postponement of the hearing be granted.

2) Subject to the restrictions mentioned in Sections IV and XIII, which are subject to the judge's discretion, the accused is free to engage the services of a defense attorney.

3) If the accused is not under arrest, he may, if he does not wish to appear in person, be represented at the hearing by an agent who must identify himself with a special power of attorney; however, the court may, in all cases where it is deemed necessary in the interests of ascertaining the truth, require him to appear in person. Persons who do not belong to the parties' representatives referred to in § 27 and who engage in such representation without authorization may be rejected by the court.

§ 326

1) The hearing must be closed to the public if a private prosecutor intervenes, also on the grounds that both parties so request.

2) The hearing shall commence with the presentation of the charges. The accused or his representative shall then be questioned and the evidence shall be presented. The prosecutor and the private party shall then be heard with their motions, and the accused and his defense counsel shall be heard with their response. The prosecutor may confine himself to making a general motion for the application of the law.

§ 327

If the accused fails to appear at the appointed time despite having been duly summoned, the judge may, if he considers it necessary to question the accused, request him to appear in person or, if this has already been done, have him brought before the court. In addition, the proceedings shall commence immediately, the evidence shall be taken, and the judgment shall be rendered and pronounced after hearing the prosecutor. A copy of the judgment shall be served on the absent defendant.

§ 328

If an authority or an organ of the state police reports an accused who is at liberty on the basis of its own official observations or a confession, or if the investigations carried out are sufficient to assess all the circumstances relevant to the decision, the judge may, in cases of misdemeanors, with the exception of those specified in § 22a (2) No. 1, determine the penalty by means of a penalty order without prior proceedings.

§ 329

1) The penalty order shall be forwarded to the public prosecutor for review before being served on the accused. The latter may lodge an objection within fourteen days. In this case, the penalty order shall not be issued and served on the accused, and ordinary proceedings shall be initiated.

2) The transmission of the penalty order to the public prosecutor and his right of objection shall not apply if the public prosecutor himself has requested the penalty order in accordance with § 328 (2) and the judge has fully complied with this request.

§ 330

1) In the case of § 329 (2), the court shall immediately serve the penalty order on the accused, and in the case of

§ 329 (1), the court shall serve the penalty order on the accused if the public prosecutor has not lodged an objection or has waived his right to do so.

2) The accused is free to lodge an objection to the penalty order with the district court in writing or orally for the record within a period of fourteen days from the date of service of the penalty order and, at the same time, to indicate the evidence to be used in his defense. If the accused lodges an appeal, ordinary proceedings shall be initiated, provided, however, that the penalty order shall remain in force if the accused withdraws his appeal at the latest at the beginning of the final hearing. In this case,

the ordinary proceedings shall be discontinued again and any additional costs incurred shall be decided by separate order in accordance with § 301 (1) No. 3.

3) No legal remedy is admissible against the penalty order other than an objection; however, if the conditions of § 282 (1) nos. 1 and 2 are met, the regional court may grant the accused reinstatement to their previous status.

4) If the accused fails to appear at the scheduled final hearing without excuse despite having been duly summoned, the penalty order shall be reinstated. The appellant shall bear the additional costs incurred since the penalty order was issued. These additional costs within the meaning of Section 301 (1) shall be decided by separate order. The summons to the final hearing shall expressly refer to the consequences of failure to appear.

Section 331

The reopening of criminal proceedings shall be governed by the principles set out in Chapter XVIII. The single judge shall decide on the admission of the reopening. An appeal against the refusal of the reopening may be lodged with the High Court, which shall decide with final effect. The appeal must be lodged within fourteen days.

§ 332

1) The parties involved may appeal to the High Court within fourteen days against decisions of the single judge, insofar as these are not subject to appeal.

2) There is no further legal recourse against the decisions of the High Court on these appeals.

XXIII. Main section

Procedure for conditional remission of punishment, conditional remission of preventive measures, issuance of instructions, and ordering of probation assistance

I. Conditional remission of punishment, placement in an institution for offenders requiring rehabilitation, and legal consequences

§ 333

1) Conditional remission of a sentence, placement in an institution for offenders requiring rehabilitation, and legal consequences shall be included in the judgment.

2) The court shall instruct the convicted person on the meaning of conditional remission and, as soon as the decision has become final, shall serve him with a document which briefly and in simple terms states the essential content of the decision, the obligations imposed on him, and the reasons for which the remission may be revoked.

§ 334

1) Conditional reprieve or the failure to grant it forms part of the sentence and may be appealed in favor of or to the detriment of the convicted person. The appeal shall have suspensive effect only insofar as it concerns the enforcement of the sentence or placement in an institution for offenders in need of rehabilitation or the occurrence of the legal consequence.

2) If the court has exceeded its powers in its decision on conditional leniency, the judgment may be challenged on the grounds of nullity pursuant to Section 221(3).

II. Issuing of instructions and ordering of probation assistance

Section 335

1) The court shall decide on the issuing of instructions and the ordering of probation assistance by means of a ruling. The decision shall be made by the trial court in the final hearing, otherwise by the presiding judge.

2) If the offender is given an instruction that directly affects the interests of the injured party, the latter must be notified thereof.

III. Revocation of conditional leniency

§ 335a

1) If a person is convicted of a criminal offense committed before the end of the probationary period following a conviction with a suspended sentence, conditional reprieve, or conditional release, the court shall proceed in accordance with the following provisions:

1. If the conditions for refraining from imposing the subsequent sentence (Sections 8b, 8c of the Juvenile Court Act) are met, it shall be declared that the new conviction does not give rise to such a sentence.

2. If the conditions for refraining from revoking a conditional reprieve or conditional release are met, it shall be declared that revocation on the basis of the new conviction shall be refrained from.
3. If the conditions for a subsequent pronouncement of the sentence (Sections 8b, 8c of the Juvenile Court Act) are met, the sentence shall be determined in a pronouncement as if the convictions for both criminal offenses had been made jointly; otherwise, it shall be stated that in the proceedings in which the conviction was handed down subject to the sentence, a subsequent conviction is no longer possible.
4. If the conditions for revoking a conditional reprieve or conditional release are met, the revocation shall be pronounced.
- 2) A ruling pursuant to paragraph 1, item 4, may only be made by a single judge in the case of sentences and remaining sentences not exceeding three years in each case. The revocation of a conditional reprieve from placement in an institution for mentally abnormal offenders pursuant to § 21 para. 1 StGB or conditional release from such placement or a life sentence is reserved to the criminal court. If the court hearing the case is therefore not permitted to make a decision under paragraph 1, no. 4, it must declare that the decision on revocation is reserved to the court that would otherwise be responsible for the decision.
- 3) Before making its decision, the court must hear the prosecutor, the defendant, and the probation officer and inspect the files relating to the previous conviction. The defendant need not be heard if the judgment is made in his absence and a ruling is made in accordance with paragraph 1, item 1 or 2. The probation officer may be dispensed with if the court does not consider revocation. Instead of inspecting the files, the court may content itself with inspecting a copy of the previous judgment if this provides a sufficient basis for the decision under paragraph 1.
- 4) Decisions pursuant to paragraph 1, with the exception of the sentence pursuant to clause 3, sentence 1, and the reservation pursuant to paragraph 2, shall be made by order. The order shall be announced and issued together with the judgment. The order and its omission may be challenged by appeal.

5) In a decision to refrain from revoking a conditional reprieve or conditional release, the court may also extend the probationary period; at the same time as a ruling under paragraph 1, number 1 or 2, instructions may also be issued, probation assistance ordered, and educational measures taken (Sections 53 (3), 54 (2) StGB, Section 8b (2) Jugendgerichtsgesetz [Juvenile Court Act]).

6) The court hearing the case must immediately notify all courts whose preliminary decisions are affected by a decision under the above provisions.

Section 335b

If, when passing sentence, the court hearing the case wrongfully failed to issue a ruling pursuant to Section 335a (1) No. 3 or 4, or, in the case of a ruling pursuant to Section 335a (1) No. 2, failed to extend the probationary period, and if the prosecutor did not challenge the failure to issue such a decision, the revocation of the conditional reprieve or release or an extension of the probationary period on the grounds of a new conviction, provided that the previous conviction or conditional release was on record.

Section 336

1) Except in the cases specified in § 335a, the court that ruled in the first instance in the proceedings in which the conditional reprieve was granted shall decide in a closed session on the revocation of the conditional reprieve of a sentence or part of a sentence, placement in an institution for mentally abnormal or detoxification-needing offenders, or a legal consequence.

2) The decision on revocation in the event of a subsequent conviction (Section 55 StGB) shall be taken by the court (Section 15) in whose judgment a conditional remission was included in the first or higher instance and most recently became final; among courts of different orders, the higher court whose judgment contains a conditional remission and most recently became final shall decide.

3) Before making its decision, the court must hear the prosecutor, the convicted person, and the probation officer and obtain information from the criminal record. The hearing of the convicted person may be dispensed with if it proves impossible to carry it out without disproportionate effort.

§ 337

The court and the state police (Section 129 (1)) may take the convicted person into temporary custody if there is strong suspicion that there are grounds for revoking the conditional remission of a sentence or part of a sentence and there is reason to fear that the convicted person may flee (Sections 130, 131 (2) No. 1 and (3)).

IV. Final remission

Section 338

- 1) The decision that the conditional remission of a sentence, placement in an institution for mentally abnormal or detoxification-needing offenders, or a legal consequence has become final shall be made by order of the presiding judge.
- 2) Before the decision is made, the prosecutor must be heard and information from the criminal record must be obtained.

V. Common provisions

§ 339

- 1) All decisions relating to the issuance of instructions, the ordering of probation assistance, the extension of the probationary period, the court order for provisional detention, the revocation of a conditional reprieve, or the final reprieve may be appealed.
- 2) The appeal is available to the convicted person and to all other persons who can appeal on behalf of the convicted person, but to the detriment of the convicted person only to the prosecutor. The appeal must be lodged within fourteen days of notification of the decision to the appellant, but if it could not be served on the appellant, within fourteen days of notification to the convicted person. The appeal has suspensive effect, unless it is directed against the order for provisional detention.
- 3) The appeal may also be combined with an appeal against the judgment that was handed down at the same time as the contested decision (Sections 335 and 335a). In this case, the appeal shall be deemed to have been lodged in time if the appeal was lodged in time. Furthermore, an appeal lodged in favor of the defendant against the sentence shall also be considered an appeal against the decision.

XXIV. Main section

I. Procedure for the placement of mentally abnormal offenders pursuant to Section 21 (1) of the Criminal Code (StGB)

§ 340

1) If there are sufficient grounds to believe that the requirements of Section 21(1) of the Criminal Code are met, the prosecutor shall file a motion for placement in an institution for mentally abnormal offenders. The provisions governing the indictment shall apply mutatis mutandis to this application. Unless otherwise specified below, the provisions governing criminal proceedings shall apply mutatis mutandis to proceedings based on such an application.

2) A motion for placement in an institution for mentally abnormal offenders must be preceded by an investigation against the person concerned, for which the following special provisions apply:

1. The person concerned must be represented by a defense attorney. The defense attorney is entitled to file motions even against the will of the person concerned.

2. The person concerned must be examined by at least one expert in the field of psychiatry.

3. The investigating judge may call upon one or two experts to attend each hearing of the person concerned.

4. If it is to be assumed that the final hearing will have to be conducted in the absence of the person concerned (Section 341 (5)), the prosecutor, the private party, the defense counsel, and the legal representative of the person concerned shall be given the opportunity to participate in a final interrogation of the person concerned.

5. Interrogations of the person concerned shall be refrained from if they are not possible or only possible with considerable risk to their health due to their condition.

3) The guardianship court shall be notified of the proceedings immediately.

4) If one of the grounds for detention listed in § 131 (2) or (7) applies, the person concerned cannot remain at liberty without danger to themselves or others, or if medical observation is necessary, their provisional detention in an institution for mentally abnormal offenders or their admission to a hospital for the mentally ill shall be ordered.

- 5) The admissibility of provisional detention shall be decided upon application or ex officio in accordance with §§ 131 to 132a, 141, 142, 239, and 241.
- 6) In the event of a criminal conviction (§ 344), the provisional detention shall be credited against prison sentences and fines (§ 38 StGB).

Section 341

- 1) The criminal court shall decide on the application for placement in an institution for mentally abnormal offenders pursuant to Section 21 (1) StGB.
- 2) The court shall decide on the application by judgment after a public final hearing, which shall be conducted in accordance with the provisions of Parts XIV and XV.
- 3) Throughout the final hearing, a defense attorney for the person concerned must be present, otherwise the proceedings will be invalid. This attorney is authorized to make motions on behalf of the person concerned, even against their will.
- 4) An expert (Section 340 (2) No. 2) must be consulted during the final hearing, otherwise the proceedings shall be null and void.
- 5) If the condition of the person concerned does not allow them to participate in the final hearing within a reasonable period of time, or if such participation would pose a significant risk to their health, the final hearing shall be conducted in their absence. The court shall decide on this matter by means of a ruling after hearing the experts and conducting any other necessary investigations. The decision may also be made by the presiding judge prior to the final hearing and, in this case, may be challenged separately by means of an appeal to be lodged within fourteen days. A decision to conduct the final hearing entirely in the absence of the person concerned may only be made after the presiding judge has ascertained the condition of the person concerned and spoken with them. If the person concerned is not heard at all or only partially, but was heard during the investigation, the minutes taken in this regard shall be read out.
- 6) It is not permissible to join the proceedings on the basis of private law claims.

§ 342

1) If the person concerned has a legal representative, the application and all court decisions shall be communicated to the legal representative in the same manner as to the person concerned. The legal representative shall also be notified of the order for the final hearing.

2) The legal representative is entitled to take all legal remedies available to the person concerned under the law, even against the latter's will. The time limit for lodging an appeal shall run for the legal representative from the date on which the decision is notified to him or her.

3) If the person concerned has no legal representative, if the legal representative is suspected of or has been referred for involvement in the person's punishable act, if the legal representative is unable to assist the person concerned in the proceedings for other reasons, or if the legal representative has not appeared at the final hearing despite having been duly notified, the rights of the legal representative shall be vested in the person's defense counsel.

4) The guardianship court shall be notified of any order for placement in an institution for mentally abnormal offenders pursuant to Section 21 (1) of the Criminal Code.

Section 343

1) The judgment may be appealed in favor of or to the detriment of the person concerned in accordance with §§ 219 to 221. In the case of placement, this legal remedy is also available to the person concerned and his relatives (§ 218). The filing of an appeal has suspensive effect.

2) The provisions of Part XVIII shall apply *mutatis mutandis* to the reopening of proceedings and reinstatement against the expiry of time limits.

Section 344

1) If, in proceedings aimed at placing a person in an institution for mentally abnormal offenders, the court considers that the person concerned could be punished for the offense, it shall hear the parties on this matter. A decision on any motion for adjournment shall be made at the final hearing. The same shall apply if, in criminal proceedings, the court comes to the conclusion that placement pursuant to Section 21 (1) of the Criminal Code may be considered. If the proceedings are not conducted before the criminal court, any other court shall declare its lack of jurisdiction in the event of nullity.

2) The application for placement in an institution for mentally abnormal offenders is equivalent to an indictment. However, the prosecutor has the right to replace the application with an indictment until the start of the final hearing.

3) On the basis of an indictment, placement pursuant to Section 21 (1) StGB may only be ordered if the provisions of Section 341 (3) and (4) and Section 342 (1) last sentence have been observed in the final hearing. If necessary, the final hearing shall be adjourned (Section 201).

II. Procedure for the placement of mentally abnormal offenders, offenders in need of rehabilitation, or dangerous repeat offenders in the institutions designated for this purpose pursuant to Sections 21 (2), 22, and 23 StGB and for the imposition of a prohibition on activities pursuant to Section 220 StGB

Section 345

- 1) As a rule (§ 351), the application of the preventive measures provided for in §§ 21 (2), 22, 23, and 220 StGB shall be decided in the criminal judgment.
- 2) The order for placement in one of the institutions mentioned in these provisions or the omission thereof, as well as the order for a prohibition on activities or the omission thereof, form part of the sentence and may be appealed in favor of or to the detriment of the convicted person.
- 3) If the court has exceeded its powers by deciding on preventive measures, this constitutes grounds for nullity pursuant to § 221 (3).

§ 346

- 1) The order for placement in one of the institutions provided for in §§ 21 (2) and 23 StGB may only be made if an investigation has taken place.
- 2) In the case of § 21 (2) StGB, the special provisions mentioned in § 340 (2) nos. 1 to 3 apply to these preliminary proceedings.

§ 347

If the prosecutor intends to file a motion for placement in one of the institutions provided for in §§ 21 (2), 22, or 23 StGB or for an order prohibiting certain activities, he shall declare this in the indictment (in the criminal complaint). However, the court may order placement or a prohibition on activities even without such a request.

Section 348

If there are sufficient grounds for assuming that the requirements of Sections 21 (2) or 22 of the Criminal Code (StGB) are met and there are grounds for detention (Section 131 (2) and (7)),

the accused cannot be detained in the state prison without difficulty, an order shall be issued that the pretrial detention be carried out by means of temporary placement in an institution for mentally abnormal offenders or in an institution for offenders in need of rehabilitation. In this case, the provisions on the enforcement of these preventive measures shall apply *mutatis mutandis* to the enforcement of pre-trial detention.

§ 349

1) The preventive measures provided for in Sections 21(2), 22, and 23 of the Criminal Code are void if a defense attorney for the accused was not present during the entire final hearing. The imposition of a prohibition on activities (Section 220 of the Criminal Code) is void if the conditions for such a prohibition were not discussed in the final hearing.

2) Furthermore, placement in an institution for mentally abnormal offenders pursuant to Section 21 (2) StGB, in an institution for offenders in need of rehabilitation, or in an institution for dangerous repeat offenders may only be ordered after consulting at least one expert (Section 340 (2) No. 2).

3) If the court refrains from placing the offender in an institution for offenders in need of rehabilitation due to the severity of the sentence imposed (Section 22 (2) StGB), it must justify this circumstance in its decision.

§ 350

If the accused has a legal representative, § 342 shall apply *mutatis mutandis* in proceedings in which there are sufficient grounds for assuming that the requirements of §§ 21 (2) or 22 StGB are met.

Section 351

1) If there are sufficient grounds for assuming that the conditions for the independent ordering of the preventive measures provided for in Sections 21 (2), 22, 23, and 220 StGB are met (Section 65 (5) StGB), the prosecutor shall file a motion for the ordering of one of the preventive measures specified in these provisions. The provisions on the indictment shall apply *mutatis mutandis* to this motion.

2) Sections 341(1) and (2), 343, 346, 349(1) and (2), and 350 apply *mutatis mutandis* in this case.

§ 352

If one of the grounds for detention specified in § 131 (2) applies, the provisional detention of the person concerned shall be ordered in one of the institutions specified in § 351 (1). § 340 (5) and (6) shall apply *mutatis mutandis*.

IIa. Procedure for exclusion from voting rights

Section 352a

- 1) The exclusion from voting rights (Art. 2 para. 1 lit. c VRG) shall be decided in the criminal judgment. The decision is equivalent to the pronouncement of the sentence and may be appealed in favor of or to the detriment of the convicted person.
- 2) The court must inform the criminal records authority of the decision concerning the exclusion from voting rights.
- 3) If circumstances subsequently arise or become known which, had they been known at the time of the judgment, would have prevented a decision being made in accordance with paragraph 1, the procedure set out in § 251 shall be followed.

III. Procedure in the event of forfeiture, extended forfeiture, and confiscation

§ 353

- 1) Unless otherwise specified in this section or in other laws, forfeiture, extended forfeiture, confiscation, and other property-related orders under ancillary criminal legislation shall be decided in the criminal judgment.
- 2) If the results of the criminal proceedings are not sufficient, either in themselves or after simple additional investigations have been carried out, to enable a reliable judgment to be made on the property-related orders referred to in paragraph 1, their pronouncement may be reserved by means of a separate decision (§§ 356, 356a), except in cases where such an order is no longer permissible due to the assets or objects concerned.
- 3) Except in the case of § 356a, the decision on property orders is equivalent to the pronouncement of the sentence and may be appealed in favor of or to the detriment of the convicted person or any other person affected by the order (§ 354).

§ 354

- 1) Persons who have a right to the assets or items threatened by forfeiture or confiscation or who assert such a right, who are liable for fines or for the costs of the criminal proceedings, or who, without

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being accused or charged themselves, are threatened with forfeiture, extended forfeiture, or confiscation shall be summoned to the final hearing. They shall have the rights of the accused in the final hearing and in the subsequent proceedings, insofar as the decision on these property orders is concerned. If the persons concerned have been served with the summons, the hearing may be held and a decision made in their absence.

2) If the persons referred to in paragraph 1 only assert their rights after the decision on forfeiture, extended forfeiture, or confiscation has become final, they are free to assert their claims to the object or its purchase price (§ 253) against the state in civil proceedings within thirty years of the decision.

§ 355

1) Monetary amounts, monetary claims, and securities that have been secured pursuant to § 97a shall be confiscated or sold (realization) if

1. no decision on forfeiture or extended forfeiture can be made in a criminal judgment (§§ 353 and 354) or in separate proceedings (§§ 356 to 357) because the accused or a party liable cannot be traced or brought to trial and the proceedings must therefore be discontinued pursuant to § 283,

2. at least two years have passed since the seizure pursuant to Section 97a and the edict on the impending realization (Section 355a) has been publicly announced for at least one year (Section 355a (2)).

2) The realization is not permitted if and as long as

1. a person who is not suspected of having participated in the criminal offense has substantiated a right to the asset (para. 1), or

2. there is a prior lien on the asset (para. 1).

3) The court shall decide on the realization at the request of the public prosecutor's office.

§ 355a

1) The court shall announce the realization by means of an edict, which shall contain:

1. the name of the third-party debtor,

2. a description or designation of the asset (Section 355 (1)) according to type, scope, and amount,

3. a notice that the asset will be realized after one year has elapsed, unless an application for the release of the security pursuant to § 97a has been filed by that time.

2) The edict must be made public (Art. 46 EO). A written copy shall be served on the public prosecutor's office, where applicable on the person affected by the order, and on any third-party debtor, who shall be obliged to notify the court immediately of any facts that could prevent enforcement. Any reasonable costs incurred in this connection shall be reimbursed (Section 96(3)).

§ 355b

1) A decision on enforcement shall be made public. Service shall thereby be deemed to have been effected.

2) A complaint lodged in good time shall have suspensive effect.

Section 355c

1) A final decision on realization shall be enforced in accordance with § 253. In the request pursuant to § 253 (1), the debtor concerned shall be instructed to submit all documents relating to the asset to the court.

2) If, after the decision on realization has become final, a decision can be made on forfeiture or extended forfeiture, the provisions of Sections 353 to 357 shall apply. In all other respects, Section 354 (2) shall apply *mutatis mutandis*.

3) Compensation for assets realized in favor of the state (Section 355 (1)) shall only be paid in cash. In this regard, the state shall be treated as a bona fide purchaser.

Section 356

1) If there are sufficient grounds for assuming that the conditions for forfeiture (Section 20 StGB), extended forfeiture (Section 20b StGB) or confiscation (Section 26 StGB) without this being decided in criminal proceedings or in proceedings aimed at placement in one of the institutions referred to in Sections 21 to 23 StGB, the prosecutor shall file an independent application for the issuance of such a property order.

2) The single judge shall decide on an application for forfeiture or extended forfeiture in separate proceedings after a public oral hearing.

by judgment. If the criminal court has ruled on the offense that is to justify the order or has reserved its decision (Section 353 (2)), its presiding judge shall be competent as a single judge.

3) The single judge shall, as a rule (§ 356a), decide on an application for confiscation in separate proceedings after a public oral hearing. The provisions on the final hearing in the case of criminal offenses for which the maximum term of imprisonment does not exceed six months, as well as § 354, shall apply *mutatis mutandis*.

4) The judgment may be appealed in accordance with the main section on legal remedies in favor of and to the detriment of the person concerned; Section 354 (1) sentence 3 shall apply *mutatis mutandis*.

Section 356a

1) The single judge may, after hearing the prosecutor and the person concerned (§ 354), decide by order on an application for confiscation in separate proceedings if the value of the object threatened with confiscation does not exceed 2,000 francs or if the object is one whose possession is generally prohibited. If the person concerned is abroad or cannot be located without special procedural effort, they may be dispensed with hearing.

2) The person concerned and the prosecutor may appeal against a decision under paragraph 1 to the High Court. The appeal must be communicated to the opposing party, indicating that they may submit a counterstatement within fourteen days.

§ 357

If the conditions for independent proceedings only arise in the final hearing, the decision may also be made in a judgment in which the accused is acquitted or the application for institutional placement is rejected.

XXV. Main section

On proceedings concerning the liability of legal persons

§ 357a

1) This Act shall apply *mutatis mutandis* to proceedings concerning the liability of a legal person (§ 74a StGB), unless it applies exclusively to natural persons and unless otherwise provided in the following provisions.

2) The jurisdiction of the court for the underlying offense also establishes jurisdiction for the proceedings against the suspected legal entity. As a rule, the proceedings shall be conducted jointly.

3) The application for punishment of the legal entity shall be combined with the indictment, the criminal complaint, or the application for punishment against natural persons if the proceedings can be conducted jointly. In any case, an application for punishment of the legal entity shall summarize and assess the facts from which the liability of the legal entity arises.

4) Under the conditions of Section 67 (3), separate criminal proceedings against the legal entity are also permissible.

Section 357b

1) The legal entity suspected of criminal liability shall have the rights of the accused in the proceedings.

2) The legal entity shall be represented in the proceedings by a member of the body authorized to represent it externally or by another person designated by the body authorized to represent it externally.

3) If the members of the body authorized to represent the legal entity externally fail to name a suitable person within a reasonable period of time despite being requested to do so by the court, the court shall appoint a suitable representative ex officio. The appointment shall end when a representative named by the bodies of the legal entity or an elected defense counsel intervenes.

4) If all members of the body authorized to represent the legal entity are themselves suspected of having committed the offense and fail to name a suitable person within a reasonable period of time despite being requested to do so by the court, the procedure set out in paragraph 3 shall be followed.

4a) A representative appointed in accordance with paragraph 3 shall only be liable to the legal entity for damage caused by him if he has caused it intentionally.

5) If the legal entity has been effectively served, the notification to the legal successor (§ 74d StGB) shall also be deemed to have been effected.

§ 357c

The managers of the legal entity and those employees who are suspected of having committed the offense or who have already been convicted of the offense shall be summoned and questioned as defendants.

§ 357d

1) The public prosecutor's office may refrain from or withdraw from prosecuting a legal entity if, after weighing up the severity of the offense, the consequences of the offense, the gravity of the organizational deficiency, the conduct of the legal entity after the offense, in particular the compensation for the damage, the expected amount of the fine to be imposed on the legal entity, and any legal disadvantages already incurred or immediately foreseeable for the legal entity or its owners as a result of the offense, it appears that prosecution and sanctioning of the legal entity is unnecessary.

2) It may also refrain from or withdraw from prosecuting a legal entity if investigations or prosecution requests would involve considerable effort that would be manifestly disproportionate to the significance of the matter or to the sanctions to be expected in the event of a conviction.

3) However, prosecution may not be waived or withdrawn if

1. due to a danger posed by the legal entity of committing an act with serious consequences for which the legal entity could be responsible,

2. to counteract the commission of offenses within the scope of the activities of other legal entities, or

3. otherwise appears necessary in the public interest.

§ 357e

If a legal entity is strongly suspected of being responsible for an offense and it can be assumed that a corporate fine will be imposed on it, the court shall, at the request of the public prosecutor's office, issue an order pursuant to Section 97a to secure the corporate fine if and to the extent that there is reason to fear that otherwise the collection of the fine would be jeopardized or significantly impeded.

Section 357f

1) If it is established on the basis of sufficiently clarified facts that filing a complaint pursuant to Section 22 or taking action pursuant to Section 357d is out of the question, and if the conditions specified in Section 22a are met, the public prosecutor's office shall withdraw from prosecuting a legal entity for responsibility for an underlying offense if the imposition of a corporate fine is to be set at

1. the payment of a sum of money to be set at up to 100 daily rates plus the costs of the proceedings to be reimbursed in the event of a conviction,
 2. a probationary period of up to three years to be determined, as far as possible and appropriate in conjunction with the expressly declared willingness of the legal entity to take technical, organizational, or personnel measures to prevent further offenses for which the legal entity is responsible, or
 3. the explicit declaration by the legal entity to perform certain charitable services free of charge within a specified period of no more than six months
- does not appear necessary to counteract the commission of acts for which the legal entity can be held responsible and the commission of acts within the scope of the activities of other legal entities. Section 22e shall not apply.
- 2) Unless there are special reasons for not doing so, the withdrawal of prosecution shall also be made conditional upon the legal entity compensating for the damage caused by the offense within a period of no more than six months to be determined and providing evidence of this without delay.
- 3) After the investigation has been initiated or the application for punishment of the legal entity has been filed for an offense that is to be prosecuted ex officio, the court shall apply paragraphs 1 and 2 mutatis mutandis and discontinue the proceedings against the legal entity by order under the conditions applicable to the public prosecutor's office until the conclusion of the final hearing.

§ 357g

If the legal entity is not represented at the final hearing, the court may conduct the final hearing, take evidence, and deliver its judgment, but only if the summons to the final hearing was effectively served and these legal consequences were threatened in the summons, otherwise the judgment shall be null and void. In this case, a written copy of the judgment shall be served on the legal entity.

XXVI. Main section

Final and Transitional Provisions

§ 358

Entry into force

- 1) This Act shall enter into force at the same time as the Criminal Code on January 1, 1989.
- 2) On the date of entry into force of this Act, all provisions in other acts that conflict with it shall cease to have effect, unless otherwise provided for in this Act.
- 3) In particular, the Code of Criminal Procedure of December 31, 1913, LGBl. 1914 No. 3, as amended by the Acts of September 12, 1916, LGBl. 1916 No. 9, dated April 7, 1922, LGBl. 1922 No. 16 and 17, dated June 1, 1922, LGBl. 1922 No. 21, dated September 22, 1966, LGBl. 1966 No. 24, dated September 27, 1972, LGBl. 1972 No. 54, dated September 19, 1979, LGBl. 1980 No. 11, dated June 23, 1981, LGBl. 1981 No. 39, and dated October 5, 1983, LGBl. 1983 No. 53.

§ 359

Transitional provisions

- 1) The changes to the jurisdiction of the courts resulting from the new provisions of criminal procedure law have no effect on criminal proceedings that are already pending. However, if a higher court has jurisdiction under the new law and no final hearing has yet taken place, the proceedings must be transferred to the court that now has jurisdiction.
- 2) The old law applies to time limits that have already expired before this law comes into force. Time limits that have not yet expired, on the other hand, are to be calculated according to the new law.
- 3) The provisions on the admissibility and content of legal remedies and appeals, as well as on the applicable procedure, shall only apply to appeals against court decisions made before the entry into force of this Act if the time limit for appeal calculated in accordance with paragraph 2 had not yet expired at the time of the entry into force of this Act.
- 4) The same applies mutatis mutandis to other legal remedies, in particular appeals against indictments filed before this Act came into force.
- 5) If substantive law that was in force prior to the entry into force of the new substantive provisions is still applicable in proceedings, the new provisions of criminal procedure shall nevertheless be applied insofar as they are more favorable to the defendant than the previous provisions of criminal procedure. If the judgment handed down in the first instance is overturned by an

appeal court and the criminal case is referred back to a lower court for a new hearing and judgment, the provisions of this Act shall apply without restriction to the renewed proceedings.

6) The conditions for the reopening of criminal proceedings in the case of convictions handed down under the previous law shall be governed by the procedural provisions that are more favorable to the convicted person.

§ 360

Repealed

I. Narcotics Act (BMG)

of April 20, 1983

I hereby approve the following resolution passed by the state parliament:

I. General provisions

Article 1

Subject matter and scope

1) Narcotics are subject to control in accordance with this Act. 1a) This Act also applies to persons and companies based in Liechtenstein who trade in narcotics abroad.

2) The import, export, and transit of narcotics are subject to the regulations applicable in Liechtenstein under the customs treaty.

Art. 1a

Relationship to the Therapeutic Products Act

Narcotics used as medicinal products are subject to the provisions of the Medicinal Products Act. The provisions of this Act apply insofar as the Medicinal Products Act does not contain any provisions or contains less extensive provisions.

Art. 2

Terms and definitions

1) For the purposes of this Act, the following definitions apply:

a) Narcotics: addictive substances and preparations with effects similar to those of morphine, cocaine, or cannabis, as well as substances and preparations manufactured on the basis of these or having similar effects;

b) Psychotropic substances: addictive substances and preparations containing amphetamines, barbiturates, benzodiazepines, or hallucinogens such as lysergide or mescaline, or having a similar effect to these;

c) Substances: Raw materials such as plants and fungi or parts thereof, as well as chemically produced compounds;

d) Preparations: ready-to-use narcotic drugs and psychotropic substances;

e) Precursors: substances that do not cause dependence but can be converted into narcotic drugs or psychotropic substances;

f) Auxiliary chemicals: substances used in the manufacture of narcotics and psychotropic substances.

2) The terms used in this law to refer to persons, functions, and professions are to be understood as referring to both males and females.

Art. 2a

List

The government shall issue a regulation establishing a list of narcotics, psychotropic substances, precursors, and auxiliary chemicals. In doing so, it shall generally base its decisions on the recommendations of the relevant international organizations.

Art. 2b

Regulations for psychotropic substances

Unless otherwise provided for in this Act, the provisions on narcotics shall also apply to psychotropic substances.

Art. 2c

Simplified control measures

1) The government may subject precursors and auxiliary chemicals to narcotics control in accordance with the provisions of Chapters II and III. It may impose a licensing requirement or other less far-reaching monitoring measures, such as customer identification, accounting requirements, and disclosure requirements. In doing so, it generally follows the recommendations of the relevant international organizations.

2) The government may partially exempt narcotics from control measures and, in certain concentrations or quantities, exempt them entirely if the competent international organizations (United Nations, World Health Organization) decide or recommend the exemption on the basis of an agreement ratified by Liechtenstein.

3) The government may call on private organizations to assist in the implementation of paragraph 1, in particular for information and advisory tasks.

II. Manufacture, supply, procurement, and use of narcotics and reporting of narcotics abuse

1. Manufacturing and trading companies

Art. 3

License for production and trade

1) Companies and individuals that cultivate, manufacture, process, or trade in narcotics require a license from the Office of Health. Art. 6 remains reserved.

2) The conditions for the granting, expiry, or withdrawal of the license, as well as its form, content, and period of validity, shall be regulated by the government by ordinance.

3) Repealed

Art. 4

Restrictions based on international agreements

The government may, on the basis of international agreements, prohibit license holders from cultivating, manufacturing, and storing narcotics. Art. 5

Raw materials and products with narcotic-like effects

1) Raw materials and products that are suspected of having effects similar to those of the substances and preparations referred to in Art. 2 may only be cultivated, manufactured, stored, used, or placed on the market with the authorization of the government and in accordance with its conditions.

2) The Office of Public Health shall examine whether the raw materials and products are substances or preparations as defined in Article 2. If this is the case, authorizations pursuant to Article 3 shall be required.

3) The government shall draw up a list of these substances and preparations by means of an ordinance.

Article 6

Prohibited narcotics

1) The following narcotics may not be cultivated, manufactured, or placed on the market:

- a) Smoking opium and the residues produced during its manufacture or use;
- b) Diazetylmorphine and its salts;
- c) Hallucinogens such as lysergide (LSD 25);
- d) narcotics with effects similar to those of cannabis with an average total THC content of at least 1%.

2) The government may prohibit the manufacture and marketing of other narcotics if international agreements prohibit their manufacture or if the main manufacturing countries refrain from doing so.

- 3) Any stocks of prohibited narcotics shall be converted into a substance permitted by law under the supervision of the Office of Health or, if this is not possible, destroyed.
- 4) The Office of Public Health may grant exemptions for the cultivation, manufacture, and marketing of narcotics under paragraphs 1 and 2 if no international agreement precludes this and if these narcotics are used for scientific research, drug development, or limited medical use.

2. Medical professionals

Art. 7

- 1) Doctors, dentists, veterinarians, and responsible managers of licensed pharmacies may obtain, store, use, and dispense narcotics in accordance with the requirements of their professional practice without a special permit. The provisions of the Therapeutic Products Act on self-dispensing by doctors, dentists, and veterinarians remain reserved.
 - 1a) The prescription, dispensing, and administration of narcotics for the medical treatment of persons addicted to narcotics requires a license from the Office of Health. Heroin-assisted treatment is not permitted. The government shall regulate the details by ordinance.
- 2) The Office of Health may restrict the authority of dentists to certain narcotics.
- 3) In order to prevent the spread of epidemic diseases, doctors may dispense sterile instruments that are also suitable for the administration of narcotics to narcotic-dependent patients known to them. The government shall issue more detailed guidelines on this matter by regulation.

Art. 8

- 1) The doctors and veterinarians referred to in Art. 7 are authorized to prescribe narcotics.
- 2) Any agreements with neighboring states on the mutual admission of medical personnel residing in border areas to practice their profession remain reserved.

Art. 9

1) Physicians and veterinarians are obliged to use, dispense, and prescribe narcotics only to the extent necessary according to the recognized rules of medical science.

1a) Physicians and veterinarians who dispense or prescribe narcotics approved as medicinal products for indications other than those approved must report this to the Office of Public Health within 30 days. At the request of the Office of Public Health, they must provide all necessary information about the nature and purpose of the treatment.

2) Paragraphs 1 and 1a also apply to the use and dispensing of narcotics by dentists.

Art. 10

The Office of Health may withdraw the authorizations under Art. 7 for a specific period or permanently if the authorized medical professional is addicted to narcotics or has committed a violation under Art. 20 to 26.

Art. 11 Repealed

3. Hospitals and institutes

Art.

1) Hospitals may obtain authorization from the Office of Public Health to obtain, store, and use narcotics in accordance with the needs of their operations, provided that one of the persons specified in Art. 7 is responsible for storage and use.

2) Institutes engaged in scientific research may obtain authorization from the Office of Public Health to cultivate, obtain, store, and use narcotics in accordance with their own requirements.

3) This is subject to Art. 6.

4. Reporting of narcotics abuse

Art. 13

1) Authorities, offices, doctors, and pharmacists are authorized to report cases of narcotics abuse detected in the course of their official or professional activities to the competent authority if care measures are deemed appropriate in the interests of the patient, their relatives, or the general public.

2) Public servants who perform the functions of an educator or caregiver are not obliged to report if they learn that a person entrusted to their care has violated Art. 21 of this Act.

III. Control

Art. 14

Jurisdiction

The control of narcotics is the responsibility of the government and the Office of Health in accordance with this Act.

Art. 15

Repealed

Art. 16

1) A delivery note must be issued for each dispensing of narcotics and handed over to the recipient with the goods. This does not apply to the dispensing of narcotics by doctors, dentists, veterinarians, and pharmacists to the public.

2) Companies and individuals authorized to manufacture and process narcotics shall provide the Office of Health with the necessary copies of delivery notes.

Art. 17

1) Companies, persons, and institutions in possession of a license in accordance with Art. 3 and 12 are required to keep ongoing records of all their transactions involving narcotics.

2) The companies and persons mentioned in Art. 3 shall report to the Office of Health at the end of each year on their transactions involving narcotics and their stocks.

3) Companies and persons who hold a license for the cultivation, manufacture, and processing of narcotics must also report to the Office of Health on a quarterly basis on the size of the cultivation area and the type and quantities of narcotics obtained, manufactured, and processed.

4) Persons authorized to obtain, use, and dispense narcotics in accordance with Art. 7 or responsible for doing so in accordance with Art. 12 must provide evidence of the use of the narcotics obtained.

Art. 18

- 1) Narcotics must be stored separately from all other goods in suitable rooms under lock and key.
- 2) Narcotics may only be marketed if their technical name is stated.
- 3) Any advertising of narcotics aimed at the general public is prohibited.
- 4) The government shall issue detailed provisions by ordinance on the storage, labeling, and advertising of narcotics, as well as on the information to be provided in package inserts.

Art. 19

- 1) The companies, individuals, hospitals, and institutes subject to control must give the control authorities access to cultivation areas, manufacturing, sales, and storage facilities, and must present their stocks of narcotics and all related documentation. They are required to provide the information requested by the health department at any time.
- 2) Persons entrusted with the control of the trade in narcotics are obliged to maintain confidentiality regarding the information they obtain in the course of their duties.

IV. Penal provisions

Art. 20

- 1) The district court shall punish as a misdemeanor with imprisonment of up to three years or a fine of up to 360 daily rates anyone who intentionally:
 - a) cultivates, manufactures, or otherwise produces narcotics without authorization;
 - b) Repealed
 - c) stores, ships, or transports them without authorization;
 - d) sells, prescribes, otherwise procures for another person or places on the market without authorization;
 - e) possesses, stores, purchases, or otherwise obtains them without authorization;
 - f) Repealed
 - g) finances the illegal trade in narcotics or arranges for its financing;
 - h) publicly encourages the consumption of narcotics or publicly advertises opportunities to acquire or consume narcotics;
 - i) makes preparations for an offense under letters a to h.

In serious cases, the offender shall be punished for a felony with imprisonment of one to twenty years.

2) A serious case exists if the offender:

- a) knows or must assume that the offense relates to a quantity of narcotics that could endanger the health of many people,
- b) is acting as a member of a criminal organization;
- c) achieves a large turnover or a considerable profit through commercial trade.

3) If the offenses under paragraph 1 are committed through negligence, the offender shall be punished by the district court for a misdemeanor with imprisonment of up to one year or a fine of up to 360 daily rates.

Art. 20a

Repealed

Art. 21

1) Anyone who intentionally consumes narcotics without authorization or who commits an offense within the meaning of Art. 20 for their own consumption shall be punished by the district court for a misdemeanor with a fine of up to 50,000 Swiss francs or, in the event of non-recovery, with imprisonment of up to six months.

2) In minor cases, a penalty may be waived. Art. 22

1) In the event of a conviction for an offense under this Act that was committed as a result of drug addiction, the court may provisionally suspend the execution of a prison sentence of no more than five years or a fine, setting a probationary period of at least one and at most five years, provided that the offender undergoes treatment conducive to his rehabilitation and that, taking all circumstances into account, this treatment can be expected to be successful. Treatment also includes a stay in a state-approved institution that serves to cure the addiction or prevent a relapse.

2) The convicted person is obliged to provide proof of admission to and continuation of treatment at times determined by the court; the persons or institutions providing treatment must notify the court if treatment is discontinued.

3) The court of first instance shall revoke the suspension of the sentence and order the enforcement of the suspended sentence if the treatment has not been started

or continued, the convicted person fails to provide the evidence required under paragraph 2, the treatment is obviously unsuccessful, or the convicted person commits a crime that is not merely minor.

4) The court may, if half of the custodial sentence has been served, remit the remainder of the sentence imposed on offenders who are serving a custodial sentence for an offense under paragraph 1, provided that they undergo treatment aimed at their rehabilitation and that, taking all circumstances into account, this treatment can be expected to be successful. Paragraphs 2 and 3 apply *mutatis mutandis*.

Art. 23

Anyone who intentionally incites or attempts to incite another person to consume narcotics without authorization shall be punished by the district court for a misdemeanor with a fine of up to 50,000 Swiss francs or, in the event of non-payment, with imprisonment of up to six months.

Art. 24

1) The district court shall punish as a misdemeanor with imprisonment for up to three years or a fine of up to 360 daily rates anyone who intentionally:

- a) as a doctor, dentist, veterinarian, or pharmacist, uses or dispenses narcotics in a manner other than that specified in Art. 7;
- b) as a doctor or veterinarian, uses or dispenses narcotics other than in accordance with Art. 9 or 11;
- c) as a doctor or veterinarian, prescribes narcotics other than as specified in Art. 9;
- d) cultivates, manufactures, stores, uses, or distributes substances and preparations under Article 5 without authorization.

In serious cases, the offender shall be punished for a felony with imprisonment of one to twenty years.

2) If the offender acts negligently, he shall be punished by the district court for a misdemeanor with a fine of up to 50,000 francs or, in the event of non-payment, with imprisonment of up to six months.

Art. 25

1) The district court shall punish as a misdemeanor with imprisonment of up to three years or a fine of up to 360 daily rates anyone who intentionally:

- a) fails to make the notifications required under Art. 9 para. 1a;
- b) fails to draw up the delivery notes and narcotics checks prescribed in Articles 16 and 17(1) or makes false entries therein or fails to enter information that he should have entered;

- c) uses delivery notes or narcotics controls that contain false or incomplete information.
- 2) If the offender acts negligently, he shall be punished by the district court for a misdemeanor with a fine of up to 50,000 francs or, in the event of non-payment, with imprisonment of up to six months.

Art. 26

Unless a criminal offense under Articles 20 to 25 has been committed, the district court shall punish any person who fails to fulfill their duty of care as a person authorized to deal in narcotics with a fine of up to CHF 50,000 or, if the fine cannot be collected, with imprisonment of up to six months.

- a) fails to fulfill their duty of care as a person authorized to deal in narcotics;
- b) violates the provisions on advertising and information relating to narcotics;
- c) violates storage and safekeeping obligations;
- d) against an executive regulation of the government, the violation of which is declared punishable, or against an order addressed to him with reference to the penalty provided for in this article.

Art. 27

A public official who, for investigative purposes, accepts an offer of narcotics himself or through another person, or who receives narcotics personally or through another person, shall not be punished, even if he does not disclose his identity and function.

Art. 28

Narcotics that are the subject of an act punishable under Articles 20 to 26 shall be confiscated in accordance with § 26 StGB.

Art. 29

The special provisions of the law concerning the trade in foodstuffs and consumer goods remain reserved.

V. Final provisions

Art. 29a

Fees

- 1) The government and the Office of Public Health shall levy fees for permits, inspections, and special services.

2) The government shall regulate the details of the levying of fees by ordinance.

Art. 30

The Princely Ordinance of July 13, 1982, LGBl. 1982 No. 49, is repealed.

Art. 31

This Act shall enter into force on the day of its promulgation.

II. Juvenile Court Act (JGG)

of May 20, 1987

I hereby approve the following resolution passed by the state parliament:

I. Main section

General provisions

§ 1

Assignment of criminal justice for juveniles

1) The administration of criminal justice for juveniles is assigned equally to the administration of criminal justice and to those state measures which aim to care for and protect juveniles and provide them with assistance. In the administration of juvenile criminal justice, therefore, not only the concerns of criminal jurisdiction must be taken into account, but also those of child and youth promotion, child and youth protection, and child and youth welfare.

2) Unless otherwise specified below, juvenile criminal justice is governed by the laws and other regulations generally enacted for the purposes of criminal justice, including the execution of sentences, as well as the laws and other regulations generally enacted for the purposes of child and youth promotion, child and youth protection, and child and youth welfare.

§ 2

Definitions

For the purposes of this Act

1. Minor: a person who has not yet reached the age of fourteen;
2. Youth: anyone who has reached the age of fourteen but not yet reached the age of eighteen;
3. Juvenile offense: an act punishable by law committed by a juvenile;
4. Juvenile criminal case: criminal proceedings against persons who had not yet reached the age of eighteen at the time of the first judicial prosecution, and criminal proceedings that come before the court no later than two years after the age of eighteen has been reached due to a juvenile offense.

II. Main section

Special provisions of substantive law

§ 3

Educational measures

If a juvenile commits a punishable act or omission and at least one of the causes thereof was his or her inadequate education, the educational measures necessary to remedy the situation and appropriate under the circumstances shall be taken, regardless of whether he or she is punished or not.

§ 4

Concurrence of welfare education and imprisonment

Any educational supervision ordered shall be suspended for the duration of the prison sentence.

§ 5

Impunity of minors and juveniles

- 1) Minors who commit an act punishable by law shall not be liable to prosecution.
- 2) A juvenile who commits a punishable offense is not punishable if
 1. he is not yet mature enough for certain reasons to recognize the wrongfulness of the act or to act in accordance with this view,
 2. he commits an offense before reaching the age of sixteen, he is not guilty of serious misconduct, and there are no special reasons for applying juvenile criminal law in order to deter the juvenile from committing criminal acts, or
 3. the conditions of § 42 StGB (Criminal Code) are met.
- 3) The imposition of educational measures within the meaning of § 3 remains reserved.

Section 6

Special features of the punishment of juvenile offenses

Unless otherwise specified below, the general criminal laws apply to the punishment of juvenile offenses:

1. The main purpose of applying juvenile criminal law is to deter the offender from committing criminal acts.
2. The threat of life imprisonment and the threat of imprisonment for ten to twenty years or life imprisonment shall be replaced

- a) if a juvenile has committed the offense after reaching the age of sixteen, the threat of a prison sentence of one to fifteen years,
- b) otherwise the threat of a prison sentence of one to ten years.
- 3. The threat of imprisonment for ten to twenty years is replaced by the threat of imprisonment for six months to ten years.
- 4. The maximum of all other prison sentences threatened is reduced by half; there is no minimum.
- 5. The maximum and minimum amounts of fines and penalties are reduced by half, in the case of fines both in terms of the amount and the number of daily rates, and in the case of penalties in terms of the applicable penalty ranges.
- 6. For the classification of criminal offenses under Section 17 StGB and the application of Section 42 StGB, the penalties amended by No. 4 shall not be taken into account. Sections 37 (2) and 41 (2) StGB do not apply to juvenile offenses.
- 7. Sections 43 and 43a StGB may also be applied if a prison sentence of more than two or three years is imposed or would be imposed.
- 8. Legal consequences provided for in statutory provisions do not apply.

Section 6a

Refraining from prosecution

- 1) The public prosecutor's office shall refrain from prosecuting a juvenile offense that is punishable only by a fine or imprisonment of no more than five years or that constitutes one of the offenses listed in Section 22a (2) No. 1 of the Code of Criminal Procedure if further measures, in particular under Part IIIa. of the Code of Criminal Procedure in conjunction with § 6b, appear necessary to prevent the suspect from committing further criminal offenses. Such a course of action is in any case excluded if the offense has resulted in the death of a person.
- 2) If it appears necessary to instruct the suspect about the wrongfulness of acts such as those reported and their possible consequences, the presiding judge of the juvenile court shall, at the request of the public prosecutor, provide this instruction. If no instruction is given, the suspect shall be informed that no prosecution will be brought.

3) Under the same conditions, the court shall, after initiating the investigation or bringing charges, discontinue proceedings for a criminal offense prosecuted ex officio by order until the conclusion of the final hearing.

§ 6b

Withdrawal from prosecution under Part IIIa of the Code of Criminal Procedure (diversion)

1) According to Part IIIa of the Code of Criminal Procedure, the public prosecutor's office shall proceed in cases of juvenile offenses that are punishable only by a fine or imprisonment of no more than five years or that constitute one of the offenses listed in § 22a (2) No. 1 of the Code of Criminal Procedure, unless there are special reasons why the conduct of criminal proceedings or the imposition of a sentence appears indispensable in order to counteract the commission of criminal offenses by others, and the other conditions mentioned in the Code of Criminal Procedure are met.-reasons, the conduct of criminal proceedings or the imposition of a penalty appears indispensable in order to counteract the commission of criminal acts by others, and the other conditions specified in the Code of Criminal Procedure are met. The court may also discontinue proceedings in the case of other juvenile offenses (§ 22b StPO).

2) The payment of a sum of money (Section 22c StPO) should only be proposed if it can be assumed that the sum of money will be paid from the suspect's own funds, which they are free to dispose of without affecting their livelihood.

3) Community service (Section 22e (1) StPO) may not exceed six hours per day, 20 hours per week, and 120 hours in total.

4) The conclusion of an out-of-court settlement does not require the consent of the injured party.

5) In the case of compensation for damages and other forms of settlement (§§ 22c (3), 22d (3), 22f (2) and 22g (1) StPO), appropriate consideration must be given to the young person's ability to pay and to ensuring that their future prospects are not unreasonably impaired.

Section 7

Guilty verdict without punishment

1) If only a minor penalty is to be imposed for a juvenile offense, the court shall refrain from imposing a penalty if it can be assumed that the conviction alone will be sufficient to deter the offender from further criminal acts.

2) The decision not to impose a sentence must be justified in the judgment and takes the place of the sentencing.

§ 8

Guilty verdict subject to the sentence

1) The imposition of a sentence for a juvenile offense shall be suspended for a probationary period of one to three years if it can be assumed that the conviction and the threat of sentencing, alone or in conjunction with other measures, will be sufficient to deter the offender from committing further criminal acts. The probationary period shall commence when the judgment becomes final.

2) The decision to defer sentencing and set a probationary period must be included in the judgment and justified. It replaces the pronouncement of the sentence.

3) The court shall instruct the convicted person on the meaning of the conviction subject to the sentence and, as soon as the decision has become final, issue him with a document stating in simple terms the essential content of the decision, the obligations imposed on him, and the reasons for which a sentence may be imposed at a later date.

§ 8a

Consideration of special reasons

When applying Sections 6a, 7, and 8, consideration shall also be given to whether, for special reasons, the conduct of criminal proceedings or the imposition of a penalty appears indispensable in order to counteract the commission of criminal acts by others.

Section 8b

Subsequent sentencing

1) If the offender is convicted again for a criminal offense committed before the end of the probationary period, the sentence shall be imposed if this appears necessary in view of the conviction in order to deter the offender from committing further criminal offenses. The sentence may also be imposed if, during the probationary period, the offender wilfully fails to comply with an instruction of the court despite a formal warning or persistently evades the influence of the probation officer.

2) If no penalty is imposed in the case referred to in paragraph 1, the court shall examine whether measures already ordered are to be maintained or whether other measures are to be taken.

3) A subsequent sentence must be imposed no later than six months after the end of the probationary period or after the conclusion of any criminal proceedings pending against the offender at the end of that period. The court shall issue a ruling stating that it has definitively decided not to impose a sentence.

§ 8c

Procedure for subsequent sentencing

1) The subsequent imposition of the sentence requires a motion by the public prosecutor's office. In cases of a new conviction, this motion shall be decided by the court hearing the case (§ 335a StPO), otherwise by the court of first instance after oral proceedings by judgment. The hearing and the judgment shall be limited to the question of the sentence and the reasons for its subsequent imposition or non-imposition.

2) The public prosecutor's office has the same legal remedies against the rejection of the application to impose the penalty retrospectively as it has against the imposition of the penalty.

§ 9

Conditional release from a prison sentence

Section 46 (1) to (5) of the Criminal Code applies to conditional release from a prison sentence imposed for a juvenile offense, with the proviso that the minimum sentence to be served is one month in each case and that no consideration is given to whether the enforcement of the sentence is necessary to prevent others from committing criminal acts.

Section 10

Early termination of the probationary period

The court may terminate the probation period prematurely after a conviction with a suspended sentence, after a conditional remission of sentence or a conditional release from a prison sentence imposed for a juvenile offense after at least one year has elapsed, and declare the suspension of sentence, the conditional release as final if new facts confirm that the convicted person will not commit any further criminal offenses. The probation officer shall be heard before the decision is made.

III. Main section

Special procedural provisions

§ 11

Jurisdiction

- 1) The juvenile court is responsible for adjudicating juvenile criminal cases in the first instance.
- 2) However, in the case of a juvenile offense that does not fall under juvenile criminal cases, the court with jurisdiction under the general procedural provisions shall intervene.
- 3) In the case of multiple criminal offenses committed by the same person, jurisdiction for adjudication pursuant to paragraph 1 or 2 shall be determined by the date of the first judicial prosecution action in relation to the most recent criminal offense.

§ 12

Combination of juvenile criminal cases with criminal cases against adults

- 1) A juvenile criminal case and a criminal case against an adult relating to participation in the same criminal offense shall be heard jointly by the court with jurisdiction over the juvenile criminal case.
- 2) However, if
 1. both criminal cases do not exclusively or predominantly concern participation in the same criminal offense,
 2. the criminal case against the adult belongs before the criminal court, the criminal case against the adult may be conducted separately.

§ 13

Composition of the juvenile court

The composition of the juvenile court is regulated by the Court Organization Act.

§ 14

Distinction between single judge and panel of judges

- 1) In all cases where, according to the general procedural provisions, a single judge or the presiding judge of a panel acts as a single judge or is required to hear and decide a case, a single judge shall also act in juvenile criminal cases, and the presiding judge of the juvenile court shall hear and decide the case as a single judge.

2) The juvenile court shall hear or decide cases in a panel of judges in all cases in which, according to the general procedural provisions, a panel of judges is required.

§ 15

Irrelevance of reduced penalties for questions of jurisdiction and composition

In proceedings concerning juvenile criminal cases, the reduced penalties under Part II of this Act shall not be taken into account for the jurisdiction and composition of the courts.

§ 16

Jurisdiction and procedure for educational measures

1) An educational measure within the meaning of § 3 shall only be ordered against a juvenile in juvenile criminal proceedings in cases of urgency. The ruling on this shall be included in the decision of the criminal court that concludes the criminal proceedings in the first instance. This ruling can only be challenged by way of appeal. However, if the ruling is contained in a judgment, the appeal against the judgment may also extend to the ruling on the educational measure. In all other respects, the provisions of the Code of Criminal Procedure shall apply to the applicable procedure and the admissibility of any further appeal.

2) Notwithstanding the provisions of paragraph 1, the ordering of an educational measure in connection with a juvenile offense shall remain the prerogative of the guardianship or custody judge in accordance with the procedural rules applicable to him. The guardianship or custody judge shall not be bound by a decision of the criminal court rejecting the educational measure.

3) The court shall decide on the imposition of an educational measure in response to a juvenile offense within the meaning of paragraphs 1 and 2, or on the waiver thereof, ex officio, taking due account of the public interest and the welfare of the juvenile, without the need for a request or consent. However, decisions pursuant to paragraph 1 may also be requested by the public prosecutor. In any case, unless there is imminent danger, the court shall consult the social services office and the legal representative of the juvenile regarding the proposed educational measure before making its decision.

4) If the public prosecutor's office withdraws a complaint for the reasons specified in §§ 5 and 6a or refrains from further prosecution for this reason or in accordance with §§ 22c, 22d, 22f, or 22g StPO, it shall forward a copy or photocopy of the complaint to the guardianship or custody judge.

§ 17

Accelerated handling of juvenile criminal cases

Juvenile criminal cases shall take precedence over other criminal cases and shall be dealt with expeditiously.

Section 18

Restriction of police involvement

1) In juvenile criminal cases, preliminary proceedings shall be conducted without the involvement of the police wherever possible.

2) If the involvement of the police becomes necessary in juvenile criminal cases, their officers shall not wear uniforms. In particular, juveniles shall not be escorted by uniformed police officers.

§ 19

Restriction of pretrial detention

1) Pre-trial detention shall not be imposed or continued in the case of juveniles if it can be replaced by a less severe measure, such as allowing the juvenile to remain in his or her own family or placing him or her with a trustworthy family or in a suitable institution. Furthermore, pretrial detention may only be imposed if the disadvantages associated with it for the young person's personal development and progress are not disproportionate to the significance of the offense and the expected punishment.

2) A juvenile defendant must be released from custody if he has already been in pre-trial detention for three months, or six months in the case of a felony, or one year in the case of a felony punishable by more than five years' imprisonment, without the final hearing having begun. In the latter case, remand in custody may only be continued beyond six months if this is unavoidable due to particular difficulties or the particular scope of the investigation in view of the seriousness of the grounds for detention.

3) In the event of the arrest of a juvenile who cannot be released immediately, a legal guardian

or a relative living in the same household as the juvenile, as well as any probation officer appointed for the juvenile and the social services office. The legal guardian shall not be notified if he or she is accused of participating in the criminal offense.

4) During pre-trial detention, juveniles shall be kept separate from adult prisoners as far as possible. Juvenile prisoners on remand shall be kept occupied and, as far as possible and practicable, shall be provided with education.

Section 20

Special youth surveys

1) The living and family circumstances of the accused, his development, and all other circumstances that may serve to assess his physical, mental, and emotional characteristics shall be investigated. Such investigations shall be omitted if, taking into account the nature of the offense, a closer examination of the accused appears unnecessary. In cases of doubt, the accused shall be examined by a physician or psychologist.

2) In the interests of the accused, the reading of documents relating to these investigations at the final hearing shall be waived in whole or in part if the accused, his legal representative, the public prosecutor, and the defense counsel waive the reading. To this extent, the documents may be taken into account in the judgment. Otherwise, if there is reason to fear that the reading of the documents could have a negative influence on the juvenile defendant, it shall be carried out in his absence (§ 26).

Section 21

Consultation of the Social Services Agency

In juvenile criminal cases, the court may assign individual or special investigations to the Social Services Agency, unless such assignment would pose a justified risk of conflict with the other tasks and duties of the Social Services Agency. In particular, such assignment is not permissible if the Social Services Agency is participating in the proceedings in place of the legal representative.

§ 21a

Involvement of a trusted person

- 1) At the request of the juvenile, a trusted person shall be called in during the questioning of a detained juvenile on the matter and during his formal interrogation by a police authority or the court, provided that this does not result in an unreasonable prolongation of the detention. The juvenile shall be informed of this right immediately after his arrest.
- 2) The young person's legal representative, a parent or guardian, a relative, a teacher, an educator, a representative of the social services or probation service may be considered as a trusted person.
- 3) Anyone suspected of involvement in the criminal offense or involved in the proceedings may be excluded as a trusted person.

§ 22

Participation of the legal representative

- 1) Insofar as the accused has the right to be heard, to present facts, and to ask questions and provide answers, or to be involved in investigative proceedings, this right also applies to the legal representative of a juvenile accused. Insofar as the accused has the right to inspect the criminal files and make copies of them, this right also applies to the legal representative, unless he or she is suspected of involvement in the criminal offense. In the event of a withdrawal of the prosecution or a discontinuation of the proceedings in accordance with Part IIIa of the Code of Criminal Procedure, the legal representative of the suspect shall be given the opportunity to comment before the suspect assumes certain obligations.
- 2) Notifications pursuant to Sections 22c (4), 22d (4), 22f (3) StPO (Code of Criminal Procedure) as well as the provisional withdrawal from prosecution and the provisional discontinuation of criminal proceedings pursuant to Sections 22d (1) and 22f (1) StPO, the indictment, the criminal complaint, and court decisions finding the juvenile guilty of a criminal offense, determining the penalty, imposing, continuing, or revoking detention, or revoking a conditional reprieve or conditional release shall also be communicated to the legal representative if their whereabouts are known and they are located in Germany. Under these circumstances, the legal representative must also be instructed in accordance with Section 22k StPO or notified of the scheduling of an oral hearing, with the addition that their participation is recommended.

3) The legal representative is entitled to appoint a defense counsel for the juvenile, even against the latter's will, and to assert all legal remedies and appeals.

Section 23

Involvement of the Social Services Office in place of the legal representative

1) In juvenile criminal cases, the legal representative may authorize the Social Services Office to exercise the rights and obligations specified in § 22. The Social Services Office may only refuse such authorization for important reasons.

2) If a young person is ordered to undergo foster care or welfare education, the rights and obligations arising from § 22 shall, for the duration of this measure, be vested solely in the Social Services Office, even without authorization.

3) The same applies if the legal representative is suspected or accused of involvement in the juvenile offense or is unable to assist the young person in the juvenile criminal proceedings for other reasons.

4) If the court is convinced that the social services agency must participate in the juvenile criminal proceedings in place of the legal representative, it must immediately issue all orders necessary to ensure the participation of the social services agency in the juvenile criminal case in order to prevent any disadvantage to the juvenile. These orders cannot be challenged by a separate appeal.

§ 24

Special notifications

In juvenile criminal cases, the legal representative or the social services agency acting in his or her place shall be enabled by the court, through appropriate notifications and deliveries, to fulfill his or her rights and obligations.

§ 25

Defense

1) If a juvenile criminal case is to be judged on the basis of a crime, the defense of the accused or defendant is necessary. If a defense counsel has not already been appointed, the court shall ensure that a defense counsel is appointed in good time before the final hearing is scheduled.

2) In cases of misdemeanors and violations, the court must weigh all circumstances and decide whether it considers the intervention of a defense attorney to be necessary and, if so, issue the appropriate orders in a timely manner.

3) The defense of the juvenile is necessary in any case for the duration of the pretrial detention.

§ 25a

Participation of the probation officer

If a probation officer has already been appointed to the accused, he or she has the right to participate in the final hearing and to be heard.

§ 26

Hearing in the temporary absence of the juvenile

1) The court may order that a juvenile defendant leave the courtroom during individual discussions in the final hearing which are likely to have a detrimental influence on him.

2) If new grounds for suspicion against the accused have arisen during his absence, he shall be heard on these grounds after his return, but in any case before the conclusion of the evidentiary proceedings, otherwise the proceedings shall be null and void. The other discussions held in his absence shall only be communicated to him to the extent necessary to protect his interests in the criminal proceedings.

§ 27

Inadmissibility of proceedings in absentia

A final hearing in the complete absence of the juvenile may not take place in juvenile criminal cases involving crimes and misdemeanors.

§ 28

Exclusion of the public

1) In juvenile criminal cases, the final hearing may also be closed to the public ex officio or upon request if this is in the interests of the juvenile. Under the same conditions, the public may also be excluded from the pronouncement of the judgment.

2) Even if the public is excluded, the legal representative or the social services office involved in the proceedings and a probation officer appointed to the juvenile have the right to be present. The court may also allow other trustworthy persons to be present.

3) Public reporting on the course and content of the final hearing, including the judgment, may only take place if the public has not been excluded. However, even in the case of permissible public reporting, it is not permitted to name the juvenile or identify them by means of references.

§ 29

Instruction when pronouncing the judgment

1) In juvenile criminal cases, the pronouncement of the judgment shall be accompanied by appropriate instruction and admonition of the convicted person.

2) Repealed

3) Repealed

§ 30

Admissibility of penalty orders

Repealed

§ 31

Special features of the appeal procedure

1) In juvenile criminal cases, an appeal on grounds of nullity may also be lodged in favor of the convicted person if

a) motions important to the defense could not be filed because the legal representative or the social services office participating in the proceedings on his behalf was not notified or summoned as required by law;

b) in cases where defense counsel was necessary, the defense counsel was absent at the final hearing, or

c) an inadmissible trial in absentia took place.

2) In juvenile criminal cases, an appeal may also be lodged against the sentence:

a) to the detriment of the convicted person if a guilty verdict was handed down without a sentence or the sentencing was reserved;

b) in favor of the convicted person, if no guilty verdict was pronounced without punishment or if the pronouncement of the sentence was not reserved.

3) In all other respects, the special provisions of this chapter shall apply mutatis mutandis to the appeal proceedings, unless their nature is such that they can only be applied to the proceedings at first instance.

4) Paragraphs 1 to 3 shall apply mutatis mutandis to the review proceedings.

§ 32

Costs

- 1) In juvenile criminal cases, the court may declare the costs of the criminal proceedings to be reimbursed by the convicted person to be wholly or partially irrecoverable if the obligation to reimburse the costs would impede the convicted person's progress.
- 2) In the case of proceedings under Part IIIa of the Code of Criminal Procedure, the flat-rate contribution to costs shall be waived if payment of this amount would impede the progress of the juvenile.

§ 33

Enforcement of prison sentences

- 1) During the enforcement of custodial sentences, juveniles shall be separated from adult prisoners.
- 2) Efforts shall be made to ensure that juvenile prisoners can continue any vocational training they have begun during the enforcement of a custodial sentence, insofar as this is compatible with the purposes of orderly enforcement of sentences. To this end, juvenile prisoners may be granted a more relaxed sentence to the extent necessary, provided that they behave well and there are no other concerns.
- 3) The same applies mutatis mutandis to the commencement of vocational training which a young prisoner decides to undertake during the serving of a prison sentence with the permission of the court.
- 4) The time limits contained in the Prison Act for the granting of deferral of enforcement and other privileges shall not apply to the enforcement of prison sentences against juveniles if important educational or training requirements necessitate exceptions.
- 5) Paragraphs 2 to 4 shall also apply if the enforcement of a prison sentence commenced before the convicted person reached the age of 18 continues beyond the aforementioned date.
- 6) The provisions of § 32 shall apply mutatis mutandis to the costs of the execution of sentences.

Section 33a

Procedural provisions for criminal cases involving young adults

Sections 17, 20(1), 21, 21a, 25, 25a, 27, 28, 31(1)(b) and (c), 32, and 33 apply in all cases where the offense was committed before the age of 21

or the accused has not yet reached the age of 21 at the time of the proceedings.

IV. Main section

Supplementary, introductory, and transitional provisions

Section 34

Amendment to the Court Organization Act

The Court Organization Act of April 7, 1922, LGBI. 1922 No. 16, as amended by LGBI. 1959 No. 8, is supplemented as follows:

§ 34ter

- 1) At the regional court, guardianship and custody matters shall be assigned to the same judge as juvenile criminal matters.
- 2) If the caseload or the composition of the regional court requires the cases referred to in paragraph 1 to be divided among several judges, this shall be done in such a way that guardianship, custody, and juvenile criminal cases concerning the same person remain with the same judge.

Section 35

Entry into force

- 1) Subject to the provisions of § 36, this Act shall enter into force at the same time as the Criminal Code.
- 2) On the date of entry into force of this Act, all provisions in other Acts that conflict with it shall cease to have effect, unless otherwise provided in this Act.
- 3) In particular, the following shall be repealed:
 - a) Articles 29 to 36 of the Act on Proceedings in Juvenile Criminal Matters of December 23, 1958, LGBI. 1959 No. 8, as amended by the Juvenile Act of December 19, 1979, LGBI. 1980 No. 38, with immediate effect, and Articles 40 to 45 in accordance with the provisional continued validity specified in § 36 of this Act;
 - b) by the Act on Amendments to the Code of Criminal Procedure of September 27, 1972, LGBI. 1972 No. 54, § 319 (4) (c).

§ 36

Provisional continuation of previous provisions

- 1) Articles 40 to 45 of the Act of December 23, 1958, on proceedings in juvenile criminal cases, LGBI. 1959 No. 8, as amended by the Juvenile Act of December 19,

1979, LGBl. 1980 No. 38, shall continue to apply provisionally until probation services within the meaning of §§ 50 ff of the Criminal Code have been established.

2) The occurrence of the condition that terminates the provisional continued applicability of the legal provisions specified in paragraph 1 shall be announced by the government in the Provincial Law Gazette.

JGG

III. Police Act (PolG)

of June 21, 1989

I hereby approve the following resolution passed by the state parliament:

I. General provisions Art. 1

Scope of application; professional and functional titles

- 1) This law regulates the tasks, organization, rights, and duties of the state police.
- 2) Special regulations apply to the municipal police. The municipal police and the state police support each other.
- 3) Police officers are understood to be members of both sexes. This also applies to job titles.

Art. 2

Duties

- 1) The state police has the following duties:
 - a) it is responsible for maintaining public safety and order and takes measures to avert imminent dangers or disturbances that have occurred (hazard prevention);
 - b) it makes preparations to be able to avert future dangers (danger prevention);
 - c) it conducts investigations in accordance with the Code of Criminal Procedure;
 - d) it takes precautions for the prosecution of criminal offenses, takes measures to prevent criminal offenses, and determines, based on information or its own observations, whether criminal acts need to be investigated (preventive combating of criminal offenses);
 - e) it recognizes, prevents, and combats violence at sporting events;
 - f) It monitors and regulates traffic on public roads in accordance with the Road Traffic Act and takes measures to prevent accidents.
 - g) it locates missing persons;
 - h) it provides assistance in the event of accidents and disasters and initiates the necessary emergency measures;

- i) it ensures overall operational management and coordination of the measures ordered in accordance with the Civil Protection Act when an accident or a special or extraordinary situation requires the deployment of the police, fire department, and other organizations;
- k) it performs the tasks of a National Central Bureau within the meaning of the statutes of the International Criminal Police Organization (INTERPOL);
- l) it implements the provisions of the Schengen acquis applicable to Liechtenstein in accordance with domestic law;
- m) as the competent authority, it is responsible for the establishment, operation, security, and maintenance of the national part of the Schengen Information System (SIS);
- n) in its function as the SIRENE bureau, it is in particular the contact, coordination, and consultation point for the exchange of information in connection with alerts in the Schengen Information System (SIS) and, as such, checks the admissibility of domestic and foreign alerts in the SIS, unless this is reserved for the courts;
- o) it performs the role of national contact point for the European Police Office (EUROPOL), appoints a liaison officer, and is responsible for implementing the agreement of June 7, 2013, on operational and strategic cooperation between the Principality of Liechtenstein and the European Police Office;
- o) it performs the task of national contact point for the European Border and Coast Guard Agency (FRONTEX), maintains the national coordination center for information exchange, cooperates with other national coordination centers and the agency, maintains the national components of the EUROSUR system, and represents the country of Liechtenstein on the agency's management board;
- o) it is the national contact point for the exchange of personal data pursuant to Articles 15 and 16(3) of Decision 2008/615/JHA within the framework of the Agreement of 27 June 2019 between the European Union and the Principality of Liechtenstein on participation in Prüm;
- o) it is the national contact point pursuant to Article 11(3) of the Agreement of 27 June 2012 between the Government of the Principality of Liechtenstein and the Government of the United States of America on the deepening of cooperation in the prevention and combating of serious crime;

- p) it protects persons who cooperate in criminal proceedings in the investigation of a serious crime and are therefore particularly at risk, as well as any relatives of these persons who may be at risk (Section 72 of the Criminal Code) (witness protection);
 - p) it manages the nationwide emergency medical services number 144 by receiving emergency calls, conducting an initial assessment of the reported emergency situations, and dispatching the appropriate emergency services;
 - q) It carries out orders from state administrative offices, administrative authorities, and courts, insofar as police assistance is provided for in laws or regulations or is essential for the implementation of laws and regulations.
- 2) The state police is also responsible under this law for identifying threats to the existence of the state and its institutions at an early stage and for preventing and combating them by exercising the powers granted to it under this law or other legal provisions (state security). Such threats include:
- a) Activities aimed at violently changing the state order;
 - b) Terrorism;
 - c) Attacks against the state, disruption of relations with foreign countries, treason, and economic espionage;
 - d) violent extremism;
 - e) organized crime;
 - f) preparations for illegal trade in weapons and radioactive materials, as well as illegal technology transfer.
- 3) The state police also performs the tasks assigned to it by special provisions.

Art. 3

Status

The state police is an armed organization and constitutes a special agency of the state administration within the meaning of this Act.

Art. 4

Strength

The state parliament determines the target strength of the state police. Art. 5

Equipment

The state police shall be uniformed, equipped, and armed by the state. Art. 6

Deployment of foreign police forces

- 1) The government may request the deployment of police forces from other states if the national police is unable to fulfill its duties with its own resources. In such cases, police forces from other states shall have the same rights and obligations as Liechtenstein police officers. Their actions shall be considered those of the national police.
- 2) The government may authorize the deployment of police forces in other states, provided that a justified request is made. The deployed police shall have the rights and obligations of the state concerned.
- 3) The chief of police may grant foreign police officers an internship with the state police, provided that reciprocity exists. However, foreign police officers may not perform any official duties.
- 4) The provisions on international administrative assistance and intergovernmental regulations remain reserved.

II. Organization

A. General Art. 7

Structure

The state police, which is under the authority of the chief of police, is divided into:

- a) the police corps;
- b) the cadets;
- c) the civilian staff; and
- d) the riot police. Art. 7a

Sovereign rights and police powers

- 1) The members of the police force have sovereign rights and exercise police powers in order to fulfill their duties.
- 2) For the duration of their provisional employment (Art. 12 para. 1a), aspirants are treated as equivalent to members of the police force with regard to their rights and powers under para. 1.

3) The government may issue an ordinance stipulating that civilian employees may, after appropriate training, have sovereign rights and exercise certain police powers in justified cases.

Art. 8

Subordination

The state police is subordinate to the government, without prejudice to the right of the member of the government responsible for the distribution of business to issue instructions. Art. 20 remains reserved.

Article 9

Supervision

1) Supervision is carried out by the members of the government responsible for the distribution of business. Art. 89 of the Constitution remains reserved.

2) Supervision includes reviewing the legality, appropriateness, speed, and simplicity of task fulfillment, in particular in the case of independent business transactions within the meaning of Art. 78 para. 2 of the Constitution.

3) Supervision shall be exercised by appropriate means appropriate to the individual case, as a rule by means of reporting and inspection of files.

Art. 10

Riot police

1) The government may call on volunteers to provide auxiliary services in support of the state police. The employment relationship of these persons is subject to public law.

2) The government shall regulate by ordinance, in particular:

a) the conditions for the commencement and termination of the employment relationship of riot police officers;

b) the tasks and duties as well as the status, armament, and remuneration of riot police officers.

B. Recruitment and training

Art. 11

Principle

1) Only Liechtenstein citizens who meet the minimum requirements for admission may be admitted to the national police force.

2) The Government shall regulate the minimum requirements by ordinance.

3) In exceptional cases and with the prior consent of the Landtag, the requirement of Liechtenstein citizenship pursuant to paragraph 1 may be waived for the admission of police officers.

Art. 12

Admission

1) Admission to the state police requires successful completion of the prescribed police academy and passing the professional examination set by the government.

1a) After completing basic training, candidates are provisionally admitted to the state police force until they have successfully passed the professional examination referred to in paragraph 1 as part of an internship and are assigned to training accordingly.

2) The requirement to pass an entrance examination and complete basic training at a police academy for police candidates, as well as the age requirements, may be waived when hiring police officers as specialists for leadership and specialised functions, provided that they have a relevant university or technical college degree or equivalent training certificate. In this case, however, additional police-specific training must be completed, for which foreign training and further education institutions may also be attended.

Art. 13

Police academy

The government is responsible for the training and further education of the state police. To this end, it may order attendance at foreign police academies.

Art. 14

Organization and service regulations

The government shall regulate the organization and operation of the state police in an ordinance. This shall contain, in particular, provisions on:

- a) the duties of the individual police departments;
- b) the duties of police officers;
- c) the conditions and procedure for admission;
- d) the objectives of basic training and further training;
- e) the use of police resources;
- f) uniforms, equipment, and weapons.

C. Service regulations Art. 15

Principle

The provisions of the State Personnel Act apply to the employment relationship of police officers.

Art. 16

Incompatibility

Judicial functions are incompatible with service in the state police force. Art. 17

Legal assistance

- 1) The government may appoint legal counsel for police officers if criminal proceedings are instituted against them for official acts.
- 2) The costs may be recovered in whole or in part if the person concerned is found guilty.

III. Rights and obligations

A. General Art.

18 *Performance
of duties*

The state police are on duty at all times. They perform their duties armed. Exceptions to this are the civilian, unarmed branches of the service and the riot police, insofar as they perform their duties unarmed.

Art. 19

Obligation to provide identification

- 1) Police officers in plain clothes shall identify themselves before performing any official act, unless circumstances prevent them from doing so.
- 2) The uniform is considered identification. Police officers in uniform shall identify themselves when requested to do so during an official act and if circumstances permit.
- 3) Repealed

Art. 20

Judicial assistance

- 1) The courts are entitled to call upon the services of the state police and to issue orders to them in their proceedings and in the enforcement of decisions. According to the provisions of the Code of Criminal Procedure, these rights also apply to the public prosecutor.

2) Insofar as it has to enforce court orders, the state police is subordinate to the court.

B. Principles of police action Art. 21

Legality

The state police shall perform its duties on the basis of and in accordance with the law.

Interventions

Art. 22

a) Admissibility

Without a specific legal basis, interference with liberty and property is only permitted if there is a serious and immediate threat to or disturbance of public safety and order that cannot be averted by other means.

Art. 23

b) Proportionality

1) Interventions must be appropriate for maintaining or restoring the lawful state of affairs.

2) They must not go beyond what is necessary to achieve the intended purpose.

3) They must not lead to a disadvantage that is disproportionate to the purpose pursued.

Art. 23a

Disturber principle

1) Police action is directed against the person who directly disturbs or endangers public safety or order, or who is responsible for behavior that leads to a disturbance or danger.

2) If a disturbance or endangerment of public safety and order emanates directly from an animal or an object, police action is directed against the person who, as the owner or for another reason, exercises actual control over the animal or object.

3) Police action may be directed against persons other than those mentioned in paragraphs 1 and 2 if:

a) a significant disturbance or an imminent, significant danger must be averted;

- b) measures against the persons obliged under paragraphs 1 and 2 are not possible in time or are not likely to be successful; and
- c) the other persons can be called upon without significant risk to themselves and without any violation of higher-ranking legal interests.

Art. 23b

Postponement of intervention

- 1) The state police may refrain from immediate intervention if there is an overriding interest in
 - a) in preventing a criminal association consisting of three or more persons who have joined together with the intention of committing continuing criminal acts;
 - b) to prevent or stop a crime planned or initiated by a specific person (Section 17 (1) of the Criminal Code) against life, limb, morality, freedom, or property.
- 2) Postponing intervention is only permissible if this does not pose a serious threat to the life, limb or freedom of third parties.
- 3) Monitoring the transport of goods and assets into, out of, or through Liechtenstein, in particular in connection with the illegal trade in narcotics, weapons, explosives, counterfeit money, stolen goods, as well as in connection with handling stolen goods and money laundering (controlled delivery), is also considered a permissible postponement of intervention.

C. Police powers Art. 24

Identification

- 1) In order to perform its duties, the national police may stop a person, establish their identity, and check whether they or any vehicles or other items in their possession are wanted.
- 2) The person stopped must, upon request, provide their personal details, present identification documents, show items in their custody, and open vehicles and other containers for this purpose.
- 3) The person stopped may be taken to the police station if their identity cannot be established on the spot or can only be established with considerable difficulty, or if there are doubts about the accuracy of their information, the authenticity of their identity documents, or the lawful possession of vehicles or other items.

Art. 24a

Identification procedures

1) The state police may carry out identification procedures in order to fulfill their duties:

- a) on persons whose identity cannot be established by other means or only with considerable difficulty;
- b) on persons who are strongly suspected of having committed a crime or offense;
- c) persons who have been provisionally detained, arrested, or taken into police custody;
- d) persons who have been convicted of an unconditional prison sentence or against whom a preventive measure has been ordered under the Criminal Code;
- e) if certain facts justify the assumption that such measures are necessary to investigate crimes and offenses;
- f) to persons who have been expelled from the country by a court or administrative authority or who are subject to an entry ban;
- g) to corpses, if this is necessary to establish the identity of a deceased person or to investigate a criminal offense.

2) Anyone who is subject to identification procedures must cooperate in the necessary actions. Art. 27 applies to the compulsory implementation of identification measures.

3) Children and young people under the age of 14 may only be subject to identification procedures if this is urgently necessary for the performance of duties.

4) Identification measures are:

- a) the taking of fingerprints and palm prints;
- b) the taking of reference samples for the creation of DNA profiles;
- c) the creation of image material;
- d) the recording of external physical characteristics;
- e) taking handwriting samples.

5) The DNA samples may be analyzed at foreign forensic institutes and laboratories.

6) The right to carry out identification procedures on the basis of special laws is reserved.

Art. 24b

Questioning and duty to provide information

- 1) The state police may question a person about facts whose knowledge is relevant to the performance of a police task.
- 2) Everyone must provide the state police with the information necessary to avert danger. The provisions of the Code of Criminal Procedure on the right to refuse to give evidence apply mutatis mutandis.
- 3) Insofar as this is necessary for conducting the interview, the person to be interviewed may be detained and taken to the police station, in particular if the interview or refusal to testify is to be recorded.

Art. 24c

Summons and appearance

- 1) The state police may summon a person in writing or verbally if:
 - a) their personal appearance is necessary for the conduct of an interview or investigation;
 - b) they are obliged to provide information; or
 - c) this is necessary for the purpose of carrying out identification measures.
- 2) The summons must indicate the obligation to appear and the consequences of failure to appear.
- 3) Anyone who fails to comply with the summons without sufficient reason may be brought before the police.
- 4) In the case of minors, the summons shall be addressed to their legal representative.

Art. 24d

Police search

- 1) The state police may issue a search warrant for a person whose whereabouts are unknown (search for persons) if:
 - a) the performance of duties under Art. 2 para. 1 lit. q and para. 3 requires this;
 - b) there is reasonable suspicion that they will commit or are preparing to commit a misdemeanor or felony;
 - c) the conditions for police custody (Art. 24h) are met;
 - d) they are missing.
- 2) The state police may also issue search warrants for lost objects, vehicles, and identity documents (property search).

2a) The state police may issue a search warrant for persons and the items listed in paragraph 2b for the purposes of covert surveillance, an investigation request, or a targeted check if:

- a) there are concrete indications that the person concerned is planning or committing a serious crime;
- a) a prison sentence or arrest warrant for a serious crime listed in Annex 1 is to be enforced;
- b) the overall assessment of a person, in particular on the basis of the crimes they have committed to date, gives reason to expect that they will also commit serious crimes in the future; or
- c) it is necessary for the purpose of national security (Art. 2 para. 2).

2b) Items within the meaning of para. 2a are:

- a) vehicles;
- b) Watercraft;
- c) aircraft and their engines;
- d) containers;
- e) official blank documents that have been stolen, embezzled, lost in any other way, or forged blank documents;
- f) stolen, misappropriated, otherwise lost, invalidated, or forged identity documents such as passports, identity cards, residence permits, and driver's licenses;
- g) cashless means of payment.

3) The state police may also issue alerts regarding criminal acts, traces, or descriptions of unknown perpetrators for the purpose of identifying connections between crimes or identifying the perpetrators.

4) The alerts referred to in paragraphs 1 to 3 may also be transmitted to foreign security authorities or organizations.

5) The national police may automatically compare wanted persons with:

- a) data from the municipal residents' registration offices on persons who have registered their regular residence in Liechtenstein;
- b) Data on persons newly moving to Liechtenstein;
- c) Data on persons staying in accommodation facilities (hotel control);

d) Data from persons who are cross-border commuters working in Liechtenstein.

Art. 24e

Public search

1) The state police may initiate a public search for a person by providing their personal details or physical characteristics or by publishing their picture, in particular via the media, if:

- a) this is in the presumed interest of the person being sought, particularly in the case of missing persons;
- b) it is necessary for reasons of public safety;
- c) it is necessary to establish the identity of a person who is unable to provide information about their identity, or to establish the identity of a deceased person.

2) A public search may also be disseminated via foreign media if necessary.

3) Instead of a public search, a public announcement may be made about a person for warning purposes if there is reason to believe that they are armed or violent.

Art. 24f

Expulsion and exclusion

1) The state police may, within the bounds of proportionality, temporarily expel persons from a location or keep them away if:

- a) they are in serious and immediate danger;
- b) there is reasonable suspicion that they or others belonging to the same group pose a threat to public safety and order;
- c) they obstruct operations to restore or maintain public safety and order, in particular by the police, fire department, or emergency services;
- d) they thwart or attempt to thwart the performance of police duties;
- e) this appears necessary to protect the privacy of individuals.

2) The removal and exclusion of a person may also include the removal and exclusion of items in their possession.

Art. 24g

Expulsion and prohibition of entry in cases of domestic violence

- 1) If, based on certain facts, in particular a previous dangerous attack, it can be assumed that a dangerous attack on life, health, or freedom is imminent, the state police are authorized to remove a person posing a danger from a residence where a person at risk lives and from its immediate vicinity. The state police must inform the person posing the danger and the person at risk of the geographical area to which the expulsion applies; this area must be determined in accordance with the requirements of effective preventive protection.
- 2) Under the conditions set out in paragraph 1, the state police are authorized to prohibit a person from entering an area to be determined in accordance with paragraph 1. If it appears absolutely necessary, this person may also be prohibited from entering other specified locations, in particular the workplace of the person at risk.
- 3) In the case of a ban on entering one's own home, particular care must be taken to ensure that this interference in the private life of the person concerned is proportionate (Art. 23). The state police are authorized to take away all keys to the home and any weapons in the custody of the person concerned; it is obliged to give them the opportunity to take urgently needed personal items with them and to inform them of their options for accommodation. If it becomes necessary for the person concerned to visit the home they are prohibited from entering, they may only do so in the presence of the state police.
- 4) In the event of a restraining order, the state police are obliged to request the person concerned to provide a delivery address for the purpose of serving the lifting of the restraining order or a temporary injunction pursuant to Art. 277a EO. If the person concerned fails to provide a delivery address, the provisions applicable to the service of legal proceedings shall apply.
- 5) The state police are also obliged to inform the person at risk about the possibility of a temporary injunction under Art. 277a EO and about suitable support services. This also applies in the event of an expulsion

pursuant to paragraph 1 or if a restraining order or expulsion is waived.

6) When documenting the order of a restraining order, consideration must be given not only to the circumstances relevant to the intervention, but also to those that may be relevant to proceedings under Art. 277a EO.

7) The police chief must review the order of a restraining order within 72 hours. To this end, he may consult all institutions and agencies that can contribute to establishing the relevant facts. The police chief may also consult the public health officer or the doctor on duty. If the police chief determines that the conditions for ordering the restraining order do not exist, he must immediately lift it vis-à-vis the person concerned; the person at risk must be informed immediately that the restraining order has been lifted. The lifting of the restraining order and the notification of the person at risk shall, if possible, be carried out verbally or by telephone by the state police or in writing by personal delivery. The keys and weapons confiscated in accordance with paragraph 3 shall be returned to the person concerned when the restraining order is lifted or, in the event of an application for a temporary injunction under Art. 277a EO, deposited with the court.

8) Compliance with a restraining order must be checked by the state police at least once during the first three days of its validity. The restraining order shall expire at the end of the tenth day after it has been issued; in the event of an application for a temporary injunction under Art. 277a EO being filed within this period, it shall expire upon delivery of the court's decision to the respondent, but no later than the end of the twentieth day after the restraining order was issued. The court shall immediately notify the state police of the filing of an application for a temporary injunction pursuant to Art. 277a EO and of the decision thereon.

Art. 24h

Police custody

1) The state police may temporarily take a person into custody if:

- a) this is necessary to protect that person or another person against danger to life or limb or to prevent or eliminate a significant threat to public safety and order;
 - b) they have evaded the enforcement of a prison sentence, pre-trial detention, detention pending deportation, or a preventive measure under the Criminal Code;
 - c) this is necessary to ensure the enforcement of a removal or exclusion order (Art. 24f);
 - d) they are caught in the act of violating the prohibition on entering premises under Art. 24g.
- 2) Police custody may only be ordered against persons who have reached the age of 14.
- 3) Persons who are in custody pursuant to paragraph 1(a) and who are clearly in need of medical examination shall be examined by a physician without delay. This applies in particular in cases of suspected suicide or where there are grounds for measures in connection with involuntary hospitalization pursuant to Art. 18d ff. SHG.
- 4) The person taken into custody must be informed of the reason for the measure. In addition, they must be given the opportunity to notify a person they trust, provided that this does not jeopardize the purpose of the measure.
- 5) Police custody must be lifted as soon as the conditions for its imposition no longer apply; in any case, after 24 hours at the latest.
- 6) The continuation of the measure depriving the person of their liberty on the basis of other legal provisions remains reserved.

Art. 25

Searching persons

- 1) The state police may search a person if:
- a) this appears necessary under the circumstances to protect police officers or third parties;
 - b) they are strongly suspected of having committed a crime or offense;
 - c) it appears necessary to establish their identity;
 - d) there are grounds for police custody;

- e) there is suspicion that they have items in their possession that need to be secured;
 - f) they have been provisionally arrested, detained, or taken into police custody;
 - g) she is recognizably in a state that precludes the free exercise of her will or is otherwise in a helpless situation and the search is necessary for her protection;
 - h) it is subject to targeted checks. Care must be taken to ensure that the reason for the check remains confidential.
- 2) The search must be carried out as gently as possible. It must be carried out by a person of the same sex, unless the examination cannot be postponed.
- 3) Body cavities must be examined by a doctor. For this purpose, the person to be searched may be forcibly taken to a doctor.
- 4) In the case of persons who have been provisionally arrested, detained, or taken into police custody, the following shall be searched:
- a) all clothing and containers they have with them must be searched;
 - b) dangerous or suspicious objects must be confiscated and recorded in a list.
- 5) The list referred to in paragraph 4(b) must be signed by the police officer and the person arrested. If the person refuses to sign, this must be noted by the police officer in the list.

Art. 25a

Search of movable property

- 1) The police may search vehicles and other movable property if:
- a) they are in the custody of a person who may be searched under Article 25;
 - b) there is suspicion that they contain a person who is being unlawfully detained, is helpless, or may be provisionally arrested, arrested, or taken into police custody;
 - c) there is suspicion that they contain an object that may be seized; or
 - d) it is necessary to determine the origin or ownership of vehicles or other items;

e) they are subject to a targeted inspection. In doing so, care must be taken to ensure that the reason for the inspection remains concealed.

2) The search shall be carried out, as far as possible, in the presence of the person who has control over the property. If the measure is carried out in the absence of this person, a report of the search shall be drawn up.

Art. 25b

Entering property and searching premises

1) The state police may enter property that is not open to the public if this is necessary for the performance of their duties.

2) The state police may enter premises that are not open to the public and search them and properties that are not open to the public without the consent of the authorized person if:

a) this is necessary to avert a serious and immediate danger to:

1. the life, limb, or liberty of a person; or

2. to protect property of considerable value;

b) there is suspicion that a person is present who is to be taken into police custody (Art. 24h) or brought before a court (Art. 24c);

c) there is suspicion that property is located there that must be secured to avert an immediate danger; or

d) there is urgent suspicion that persons are conspiring, preparing, or committing crimes there.

3) When searching premises, the owner or, if the owner is absent, an adult member of their family, a housemate, or a neighbor must be present, as far as circumstances permit. The owner or their representative must be informed of the reason for the search without delay, provided that this does not frustrate the purpose of the measure. A report must be drawn up on the search.

Art. 25c

Seizure of property and assets

1) The state police may seize property or assets in order to:

a) prevent them from being used to commit a criminal offense;

b) to avert danger;

c) to protect the owner or lawful possessor from loss or damage to the item.

2) Repealed

3) The seized items or assets shall be recorded in a register, which shall also state the reason for the seizure. A copy shall be provided to the person concerned upon request.

4) As soon as the conditions for seizure no longer apply, the state police shall return the items or assets to the entitled person.

5) A seized item may be sold or, if this is not possible, destroyed at the expense of the entitled person if:

a) it is not collected by the entitled person within the set period despite being requested to do so;

b) no one claims entitlement to this item;

c) it is subject to rapid depreciation; or

d) its storage involves considerable costs or difficulties.

6) Any proceeds from the sale shall replace the item sold. If the proceeds cannot be paid to the entitled party within three years or the assets cannot be delivered, they shall be deemed forfeited.

Art. 25d

Seizure, confiscation, and forfeiture of propaganda material

1) The state police shall seize, regardless of quantity, nature, and type, any material that may serve propaganda purposes and whose content specifically and seriously incites violence against persons or property.

2) If there is suspicion of a criminal offense, the state police shall forward the seized material to the competent law enforcement authority.

3) The state police shall seize the material seized in accordance with paragraph 1 and order its confiscation if the incitement to violence is concrete and serious. Paragraph 2 remains reserved.

4) In the case of dissemination of propaganda material pursuant to paragraph 1 via the Internet, the national police may, subject to paragraph 2:

a) order the deletion of the website concerned if the propaganda material is stored on a computer in Liechtenstein;

b) issue a blocking recommendation to Liechtenstein providers if the propaganda material is not stored on a computer in Liechtenstein.

5) The confiscated material shall be destroyed unless it can be used for instructional purposes.

Art. 25e

Cash controls

1) In order to prevent and combat money laundering and terrorist financing, the national police may request information within the scope of controls on cross-border cash movements by individuals:

- a) on the person questioned;
- b) on the import, export, and transit of cash in an amount of at least 10,000 Swiss francs or the equivalent in a foreign currency;
- c) the origin and intended use of the cash;
- d) about the beneficial owner.

2) If money laundering or terrorist financing is suspected, the national police may also request information if the amount of cash that has been brought into Liechtenstein or is to be brought in, transported through, or taken out of Liechtenstein does not reach the threshold of CHF 10,000 or the equivalent in a foreign currency.

3) The national police may provisionally seize cash in the event of false information or refusal to provide information in accordance with Art. 25c (3) and (4) in order to clarify whether there is suspicion of a criminal offense.

4) The state police shall immediately report all suspicious cases to the FIU and notify the public prosecutor's office.

5) The following are considered cash:

- a) Cash in the form of banknotes or coins of any currency, provided that they are in circulation as a means of payment;
- b) transferable bearer securities, shares, bonds, checks, and similar securities.

Art. 26

Area ban, travel restrictions, and reporting requirements to prevent violence at sporting events

1) The state police may prohibit a person who has been proven to have participated in violent acts against persons or property during sporting events from:

a) prohibit them from staying in a precisely defined area in the vicinity of sporting events (Rayon) at certain times for a maximum period of one year (Rayon ban);

b) prohibit them from leaving Liechtenstein for a specific country for a specific period of time (travel restriction) if:

1. they are subject to a district ban under letter a and, based on their behavior, it must be assumed that they will participate in violent acts at a sporting event in the destination country; or

2. no area ban pursuant to letter a has been imposed on them and, based on concrete and current facts, it can be assumed that they will participate in violent activities in the destination country;

c) impose an obligation to report to the state police at specific times (reporting requirements) if:

1. they have violated an exclusion order under letter a or a travel restriction under letter b in the last two years;

2. it can be assumed on the basis of specific and current facts that other measures will not deter them from committing acts of violence at sporting events; or

3. the reporting requirement appears to be less severe than other measures in the individual case.

2) A restriction on leaving the country pursuant to paragraph 1(b) shall apply at the earliest three days before the sporting event and shall last at most until one day after its end. During the period of the restriction, any departure from the country with the intention of staying in the country of destination is prohibited. Exceptions may be granted by the state police if the person concerned can demonstrate important reasons for staying in the country of destination.

3) Area bans, restrictions on leaving the country, and reporting requirements under paragraph 1 may only be imposed on persons who have reached the age of 14. Art. 26a

Reporting requirement and temporary deposit of travel documents to prevent serious crimes abroad

1) The state police may order a person for whom there are concrete indications that they will commit a serious crime abroad to:

- a) to report to the state police on specific days at specific times (reporting requirement);
 - b) to temporarily deposit their travel documents with the state police.
- 2) The measures referred to in paragraph 1 may only be ordered by the chief of police. They shall be limited to a reasonable period of time, but shall not exceed six months. The order may be extended once for a maximum of six additional months. Art. 27

Physical coercion

Physical coercion may only be used if it is immediately necessary and less severe means are not suitable.

Article 27a

Restraint

A person may be restrained if:

- a) there is suspicion that they intend to flee or be freed;
- b) they are resisting;
- c) there is reasonable suspicion that they will attack people or damage property of considerable value;
- d) there is reasonable suspicion that they will seriously injure or kill themselves; or
- e) it is necessary under the circumstances to protect the police officer or third parties.

Use of weapons

Art. 28

a) In general

- 1) The state police shall use weapons as a last resort.
- 2) The use of weapons must be clearly threatened if the circumstances do not preclude this.

Art. 29

b) Firearms

The use of firearms is lawful if

- a) the state police or third parties are attacked in a dangerous manner or are directly threatened with a dangerous attack;
- b) persons who have committed a crime or are strongly suspected of having done so attempt to evade arrest by fleeing;

- c) the state police must assume, based on reliable findings, that persons pose an imminent, serious threat to the life and limb of others and are attempting to evade arrest by fleeing;
- d) the liberation of hostages requires it;
- e) an imminent serious crime against facilities can be prevented, the damage to which would pose a particular danger to the general public.

Art. 30

Assistance

The state police shall provide assistance and support to anyone injured as a result of their actions.

Security checks

Art. 30a

a) Persons

- 1) Within the framework of national security (Art. 2 para. 2), the state police conducts security checks on state employees and third parties who are involved in classified projects in the field of internal and external security if, in the course of their work, they:
 - a) have regular and extensive insight into government activities or important security policy matters and can influence them;
 - b) have regular access to secrets relating to internal or external security or to information whose disclosure could jeopardize the fulfillment of essential tasks of the state;
 - c) are involved in classified projects of the country as contractors or employees, or must be vetted on the basis of confidentiality agreements;
 - d) have regular access to special categories of personal data and personal data relating to criminal convictions and offenses, the disclosure of which could seriously affect the personal rights of the persons concerned.
- 2) The security check is carried out before the office or function is assigned or the contract is awarded. The person to be checked must consent to the check being carried out. The government may, by ordinance, provide for the security check to be repeated in special cases.

3) The government shall maintain lists of the individual functions for which a security check must be carried out.

Art. 30b

b) Content of the check

1) During the security check, security-related data is collected about the lifestyle of the person concerned, in particular about their close personal relationships and family circumstances, their financial situation, their connections abroad, and activities that could unlawfully jeopardize internal or external security. No data is collected about the exercise of constitutional rights.

2) Data may be collected:

- a) from the information systems and files of the state police;
- b) from the criminal record, including data subject to restricted disclosure under Article 9 of the Criminal Records and Expungement of Convictions Act;
- c) from the registers of the enforcement and insolvency courts and the population registers;
- d) by obtaining information from the public prosecutor's office and the courts about ongoing, completed, or discontinued criminal proceedings;
- e) by conducting a survey of the state police about the person to be investigated;
- f) by questioning third parties, if the person concerned has given their consent;
- g) by questioning the person concerned.

3) In the case of foreign nationals or persons residing abroad, the data referred to in paragraph 2 shall also be used for assessment by the competent authorities of the home country or country of residence. In the case of persons who were resident abroad, the state police may also use data referred to in paragraph 2 from the competent authorities of the former country of residence for assessment.

4) The data collected as part of the security check may only be used for this purpose, with the exception of use in criminal proceedings against the person concerned.

5) The interview pursuant to paragraph 2(g) may be recorded using an audio recording device. If it is intended not to issue the security clearance or to issue it with reservations, the authorities relevant to the decision shall, upon request, summarize the reasons for their decision and submit them to the person concerned for comment.

of the person concerned and submitted to them for comment.

Art. 30c

c) Conducting the assessment

- 1) The state police shall inform the person being vetted of the results of the investigation and their assessment of the security risk.
- 2) The person being vetted may inspect the vetting documents within ten days and request the correction of incorrect personal data, as well as request the removal of outdated personal data from the state's files or have a note of dispute added. Art. 35s para. 2 of this Act and Art. 57 para. 4 of the Data Protection Act remain reserved.
- 3) If the security clearance is not granted or is granted with reservations, the state police shall issue a decision at the request of the person who has been vetted.
- 4) The state police shall submit its assessment of the security risk in writing to the body responsible for the election or transfer of the function. The latter is not bound by the assessment of the state police.
- 5) The government shall regulate the details of the security check, in particular the rights of access and the storage, further use, and deletion of personal data, by ordinance.

Witness protection

Art. 30d

a) Admission

The state police may apply to the government to admit a person to witness protection in accordance with Art. 2 para. 1 lit. p.

Art. 30e

b) Establishment of a new identity

- 1) Insofar as it is necessary for the protection of persons pursuant to Art. 2 para. 1 lit. p, the state police may request that state administrative offices, administrative authorities, courts, or private individuals produce or alter corresponding documents in order to establish or maintain a temporary new identity. Public documents may only be issued at the request of the member of the government responsible for the state police in accordance with the distribution of responsibilities.
- 2) The documents referred to in paragraph 1 may only be used in legal transactions to the extent necessary to fulfill the purposes specified in paragraph 1. The

the member of the government responsible for the state police in accordance with the distribution of responsibilities shall specify the purpose of the issuance and the scope of application of the documents in legal transactions in an assignment order.

3) The state police shall document the use of the documents in legal transactions and shall confiscate them in the event of misuse or as soon as they are no longer required for the performance of tasks.

4) Before issuing the documents, the state police shall instruct the persons concerned on the use of the documents and inform them that they will be withdrawn immediately in the event of misuse.

5) The establishment of a temporary new identity is also permitted for the necessary period of time for employees of the state police who are tasked with protecting a person in accordance with Art. 2 para. 1 lit. p. Paras. 1 to 4 apply *mutatis mutandis*.

Art. 30f

c) Restriction on disclosure of data; duty to notify and hand over

The state police may require state administrative offices, administrative authorities, courts, and private individuals to:

a) not disclose certain personal data relating to persons under Art. 2 para. 1 lit. p, insofar as existing technical possibilities allow this; when processing personal data, they must ensure that witness protection is not compromised;

b) immediately notify them of any requests for information about persons pursuant to Art. 2 para. 1 lit. p;

c) upon request, provide you with extracts from query logs of automated information systems that document queries made by persons pursuant to Art. 2 para. 1 lit. p.

Art. 30g

d) Involvement of third parties

The state police may, if necessary, engage private security companies to carry out personal and property protection.

IIIa. Compensation for damages and

costs Art. 30h

Official liability

The provisions on official liability apply to compensation for damage caused by police officers in the course of their duties (liability).

Art. 30i

Compensation

1) Persons are entitled to compensation for damages incurred as a result of:

a) the postponement of intervention by the state police (Art. 23b), insofar as the damage could otherwise have been prevented;

b) the use of documents that misrepresent a person's identity (Art. 30e and 34a), provided that such use was not caused by unlawful conduct on the part of the entitled person;

c) their assistance in the performance of tasks by the state police.

2) The state shall seek recourse against third parties liable for the damage.

3) No compensation shall be paid to persons who have acted contrary to the instructions of the provincial police. The provisions on official liability remain reserved.

Art. 30k

Reimbursement of costs

1) Subject to special legislation and the provisions of this Act, the services of the state police are generally provided free of charge.

2) Reimbursement of costs shall be demanded in particular:

a) from the organizer of events that require extensive police operations, which is particularly the case if:

1. a separate security plan must be developed; and

2. the involvement of foreign security forces is necessary;

b) from businesses in whose commercial interests the state police must act;

c) from the party responsible for extraordinary expenses resulting from other police operations, in particular if these were caused intentionally or through gross negligence, or if they were carried out predominantly in private interests.

3) In the case of demonstrations and rallies, the competent licensing authority shall determine the amount of reimbursement for the police operation in the license.

Unauthorized demonstrations or rallies are fully reimbursable by the organizer or the person who called for them.

- 4) The government may waive all or part of the costs for organizers of events under paragraph 2(a) or charge a maximum reimbursement of costs if:
 - a) there is public interest in these events due to their international publicity value, and commitments have been made to hold them on the basis of international memberships or concluded agreements, and the organizer cannot bear the financial costs of security alone. These organizers must not be profit-oriented organizations or institutions;
 - b) the event serves an idealistic purpose, either in whole or in part.
- 5) Paragraph 4 does not apply to the following tasks:
 - a) Maintaining safety and order at the event venue;
 - b) Traffic management, traffic control, and parking management at the event venue or its immediate surroundings.
- 6) The government shall regulate the hourly rate to be charged and any maximum reimbursement of costs in accordance with paragraph 4 by means of an ordinance.

IV. Processing of police data Art. 31

Data processing in general

- 1) The state police is authorized to process personal data, including special categories of personal data, such as genetic data, biometric data for the unique identification of a natural person and health data, as well as personal data on criminal convictions and offenses, and to profile the persons listed below, insofar as this is necessary for the fulfillment of its statutory duties:
 - a) Persons against whom police action is directed, in particular those:
 1. who endanger or disrupt public safety and order or have endangered or disrupted them;
 2. who are prone to violence or whose behavior or statements suggest a propensity for violence against third parties;
 3. against whom investigations have been initiated in accordance with the Code of Criminal Procedure;
 4. for whom there are concrete indications that they will commit criminal offenses in the future;

5. who have demonstrably behaved violently at sporting events at home and abroad;
 6. for whom there are concrete indications that they endanger the existence of the state (national security);
- b) Victims;
 - c) helpless and missing persons;
 - d) witnesses or informants;
 - e) persons at risk or persons for whom there are concrete indications that they will become victims of crime;
 - f) Persons whose special knowledge or skills are needed to avert danger;
 - g) Persons responsible for facilities or installations that may pose a significant risk;
 - h) Persons responsible for endangered facilities or installations;
 - i) persons subject to special legislation (Art. 2 para. 3), in particular tourism, weapons, and explosives legislation;
 - k) Persons for the purpose of fulfilling the tasks of state administration offices, administrative authorities, and courts (Art. 2 para. 1 lit. q);
 - l) Persons who have been reported to the state police by foreign security authorities or organizations within the framework of international police cooperation:
 1. as suspects, victims, or persons providing information in the context of criminal investigations;
 2. in connection with police activities for the preventive combating of criminal offenses; or
 3. in connection with the search for missing persons and the identification of unknown persons.
 - m) Persons who request medical assistance via the emergency medical number 144 (Art. 2 para. 1 lit. p).
- 2) The processing of personal data pursuant to para. 1 may only be carried out for the purpose for which this data was collected. However, further processing for other purposes is permissible if the state police is also permitted to collect this data for this purpose.
 - 3) The collection of personal data in accordance with paragraph 1 must be recognizable to the person concerned, unless this would:

- a) jeopardize or significantly impede the performance of police duties; or
 - b) would involve a disproportionate effort.
- 4) If the collection of personal data pursuant to paragraph 1 is not apparent to the data subject, the data subject must be informed retrospectively as soon as this no longer jeopardizes the purpose of the data processing. No notification shall be given if its implementation would require the collection of further data in a disproportionate manner.

Art. 32

Notifications and information

1) State administration offices, administrative authorities, and courts are obliged to the state police to:

- a) to notify the police of the outcome of any matter reported by them, insofar as the outcome of the corresponding proceedings may have an impact on the accuracy of police data;
- b) to provide information if this appears necessary for the detection, prevention, and combating of threats to the existence of the state and its institutions (state security) or for the preventive combating of serious crimes;
- c) to report unsolicited if, in the performance of their duties, they:

- 1. identify specific threats to internal security;
- 2. have information about persons who have behaved violently at sporting events in Austria and abroad.

1a) State administrative offices, administrative authorities, and courts, as well as doctors, psychologists, and psychotherapists, are authorized to report to the state police any threats posed by persons who are believed to be prone to violence against third parties.

2) The state police shall verify whether this data is accurate and relevant to the performance of their duties. It shall destroy inaccurate or irrelevant data.

Art. 33

Use of image and sound recording devices at mass events

1) The state police may record individuals or groups of individuals and their statements on image and sound carriers at or in connection with public events and rallies if there are concrete indications

justify the assumption that there is a threat to public safety and order.

2) The conditions for image and sound recordings are met in particular if:

- a) violence is called for in the run-up to an event or rally;
- b) violent acts have already been committed in the past at comparable events or rallies;
- c) spontaneous violence is to be expected due to the organization, the participants, or the content of an event or rally, or due to the general political climate;
- d) violent riots are to be expected at sporting events.

3) Image and sound recordings in which individuals can be identified may only be processed:

- a) to investigate the perpetrators of criminal acts;
- b) in individual cases to preventively combat criminal offenses specified in Section 103 (1) of the Code of Criminal Procedure or for the protection of the state;
- c) to document police operations with regard to possible criminal or disciplinary proceedings and claims for official liability against the police; or
- d) for the internal training of police officers.

4) The identification of individuals is only permitted if it is essential for the purposes specified in paragraph 3(a) to (c). The identification of individuals in accordance with paragraph 3(d) is governed by Article 34c(2).

5) Image and sound recordings must be destroyed no later than 30 days after the event or demonstration, unless they are required for the purposes specified in paragraph 3.

Art. 34

Use of image recording devices in publicly accessible places

1) The state police may observe individual and specific publicly accessible places by means of image transmission and record the transmitted images for the following purposes:

- a) preventing criminal offenses (Art. 2 para. 1 lit. d), if criminal offenses have been committed repeatedly at these locations or if their nature is conducive to the commission of criminal offenses, provided that there are facts justifying the assumption that criminal offenses will be committed at this location;

b) Preventing and averting serious danger to life, limb, liberty, or property in connection with the guarding of persons or property.

2) In the cases referred to in paragraph 1(a), video surveillance must be made recognizable by appropriate measures, unless it is obvious.

3) The data recorded in accordance with paragraph 1 may only be used for criminal prosecution and for the preventive combating of criminal offenses (Art. 2 para. 1 lit. d) or for the performance of tasks under Art. 2 para. 2 (national security), provided that there are facts justifying the assumption that a person will commit criminal offenses in the future or endanger the existence of the state and its institutions. If the data is not required for these purposes, it must be deleted after 30 days at the latest. Art. 34a

Special means of data collection

1) The state police may, while observing the secrecy of letters, mail, and communications, collect data on persons for whom there are concrete indications that they are committing criminal offenses, as well as their contacts or accompanying persons, using the means specified in paragraph 2, only if:

a) the data collection is not possible by other means without jeopardizing the performance of the task;

b) the measure is not disproportionate to the significance of the matter to be investigated; and

c) this is necessary:

1. to avert a serious danger;

2. to preventively combat a criminal offense as defined in § 103 para. 1 of the Code of Criminal Procedure; or

3. for the protection of the state (Art. 2 (2)).

2) Measures pursuant to paragraph 1 are:

a) observation planned or actually carried out for more than 48 hours or on more than five days, including the use of certain technical means to investigate the facts or to determine the whereabouts of the person concerned (long-term observation);

b) the covert use of technical means to take photographs or make recordings, as well as to eavesdrop on or record spoken words;

- c) the use of police officers under a cover story (undercover investigators);
 - d) the use of other persons whose cooperation with the police is not known to third parties (confidential informants).
- 3) In or from premises that are not accessible to the public, the state police may only collect data using the means referred to in paragraph 2(b) without the consent of the authorized person if this is essential to avert an immediate and serious danger to the life, limb, or liberty of a person or to significant property or assets. For the performance of tasks under Art. 2 para. 2 (national security), this may only be done if:
- a) a specific person, organization, or group is suspected of posing a concrete threat to the existence of the state and its institutions (presumed threat);
 - b) the severity and nature of the threat justifies it;
 - c) concrete and current facts and events suggest that a suspected threat is using this non-public space to:
 - 1. meet with third parties;
 - 2. hide themselves or third parties there;
 - 3. store material there; or
 - 4. pursue activities that serve its purposes in other ways; and
 - d) only interfere with the fundamental rights of those affected to the extent necessary.
- 4) The use of measures pursuant to paragraph 2 may only be ordered by the chief of police. When ordering a measure pursuant to paragraph 2(b) in or from premises not accessible to the public without the consent of the authorized person for the purpose of protecting state security, the approval of the regional court must be obtained without delay.
- 5) The ordering of special means for data collection shall be limited to a reasonable period of time. A written justification for the order shall be included in the files.
- 6) Insofar as it is essential for the establishment and maintenance of the cover story of an undercover investigator, corresponding documents may be produced or altered. At the request of the member of the government responsible for the state police in accordance with the distribution of responsibilities, the competent authorities shall also issue corresponding public documents. The undercover investigator may participate in legal transactions under the cover story in order to fulfill his or her assignment.

He may also enter the homes of authorized persons with their consent. In all other respects, his powers are governed by this Act. Section 9 of the Code of Criminal Procedure applies *mutatis mutandis* to the use of an undercover investigator.

7) The use of a confidential informant may also be remunerated. The state police shall document this accordingly.

8) Persons against whom the measures under paragraph 2 are directed shall be informed thereof after the measure has been completed, as soon as the purpose of the data processing is no longer jeopardized. The state police shall not provide such information if:

- a) criminal investigations have been initiated against the person concerned on the basis of the same facts;
- b) no record containing personal data has been created or it has been destroyed immediately after the measure has been completed; or
- c) the implementation of the measure would require the collection of further personal data in a disproportionate manner.

Art. 34b

Information systems

1) In order to perform its duties, the state police may maintain electronic information systems that may also contain special categories of personal data, such as genetic data, biometric data for the unique identification of a natural person, and health data, as well as personal data relating to criminal convictions and offenses.

2) The information systems referred to in paragraph 1 serve the following purposes:

- a) Preparation of reports and situation assessments;
- b) Documenting police incidents and police actions;
- c) Supporting hazard prevention, preventive crime fighting, criminal prosecution, and national security;
- d) Analysis, research, and profiling;
- e) Exchanging data with or receiving data from other state administration agencies, administrative authorities, and courts;
- f) Exchanging data with foreign police, security, and customs authorities as well as security organizations within the framework of intergovernmental agreements;
- g) File and data management;

h) Compilation and evaluation of statistics.

3) Information systems pursuant to paragraph 1 may contain the following data in particular:

a) Personal data, such as:

1. Master data on the identity of natural and legal persons;
2. Proceedings, in particular concerning administrative and criminal prosecutions or sanctions;
3. Identification data (Art. 24a (4));

4. search data;

5. Detention data;

b) Case data, such as:

1. facts of the case;
2. Traces;
3. Property;
4. Vehicles;
5. Evidence;

c) Image and sound recordings;

d) Data for file management and business control.

4) The data in the information systems referred to in paragraph 1 may be made accessible according to persons, objects, and events and linked to each other. If data is linked, it is subject to the relevant data processing rules and access restrictions.

Paragraph 6 remains reserved.

5) The linking referred to in paragraph 4 may also be carried out in such a way that state police employees, within the scope of their access rights, can use their own query patterns to check with a single query whether certain persons or organizations are listed in one or more systems. For this purpose, corresponding data from other information systems of the state administration may also be included, provided that it is accessible to the state police via a retrieval procedure in accordance with the law.

6) Personal data processed in information systems in connection with the preventive combating of criminal offenses (Art. 2 para. 1 lit. d) or within the framework of national security (Art. 2 para. 2) must be kept separate from other information systems.

6a) If personal data is processed in information systems in connection with the handling of medical emergencies (Art. 2 para. 1 lit. p), it must be ensured that access is granted exclusively for this purpose.

7) Search data may also be processed jointly with the Swiss federal authorities in an automated search register.

8) The government shall regulate the details by ordinance, in particular with regard to:

- a) the individual information systems;
- b) the data categories pursuant to paragraph 3;
- c) access rights of other authorities, insofar as the data is necessary for the performance of their duties.

Art. 34c

Use of data for specific purposes

1) The use of personal data for scientific and statistical purposes is only permitted if it is impossible to identify the persons concerned.

2) The state police may use personal data processed by it for police training and further education in anonymized form. Anonymization may only be waived if this would conflict with the training or further education purpose and does not outweigh the legitimate interests of the data subject in confidentiality.

Art. 34d

Disclosure of personal data

1) The state police may disclose personal data, including special categories of personal data, personal data relating to criminal convictions and offenses, and personal data based on profiling, insofar as this is necessary for the fulfillment of its legal duties or the duties of the data recipients.

2) The state police may disclose personal data to other bodies or persons to the extent that this is provided for by law or is essential for:

- a) the prevention of a threat to public safety and order by the recipient;

b) the prevention or elimination of significant disadvantages to the public interest;
or

c) the protection of the legitimate interests of individuals.

2a) In connection with the management of the 144 emergency medical service, the state police may transmit health data on persons in accordance with Art. 31 (1) (m) to the appropriate rescue service.

3) The state police may transmit personal data to appropriate social and therapeutic agencies to the extent necessary to protect persons at risk, in particular:

a) in cases of domestic violence;

b) when the crisis intervention team of the Foundation for Crisis Intervention is deployed.

4) The national police may transmit personal data of persons who have demonstrably behaved violently at sporting events in Liechtenstein and abroad to organizers of sporting events in Liechtenstein if this data is necessary for the ordering of measures to prevent violence at certain events. The recipients of this data may only transfer it to third parties within the scope of implementing the measures.

Art. 34e

Storage, deletion, blocking, and archiving of personal data

1) Personal data may be processed for as long as it is necessary for the performance of tasks, but no longer than the storage period specified by the government in a regulation; it must then be deleted.

2) Even before deletion in accordance with paragraph 1, access to a person's first and last name must be blocked. The government regulates the details by ordinance, in particular the blocking periods for individual events. In doing so, it may stipulate that linked data be blocked together when the period for the last recorded event has expired.

3) Repealed

4) Before deletion, the state police shall offer the data to the state archives in accordance with the provisions of the Archives Act.

Art. 34f Repealed

*Right to
information* Art.

34g

a) In general

- 1) Any person may request information from the State Police about police data concerning them in accordance with Art. 57 of the Data Protection Act. Art. 34h remains reserved.
- 2) The state police shall decide on requests for information concerning personal data processed by the state police within the framework of international police cooperation after consultation with the requesting authority. The secrecy of the investigation must be maintained.

Art. 34h

b) In special areas

- 1) Any person may request the data protection authority to check whether the state police is lawfully processing personal data about them within the framework of national security (Art. 2 para. 2). The data protection authority shall inform the applicant in a standard response that either no personal data concerning them is being processed unlawfully or that, if there are any errors in the data processing, it has ordered that these be corrected.
- 2) There is no right of appeal against this notification. The person concerned may request the Administrative Court to review the notification from the data protection authority or the implementation of the corrective measures ordered by the latter. The Administrative Court shall inform the person concerned in a standard reply that the review has been carried out as requested.
- 3) Before proceeding in accordance with paragraph 1, the state police must examine whether there is an overriding interest in confidentiality and whether existing personal data is still required. If there is no overriding interest in confidentiality, information must be provided immediately in accordance with Art. 34g.
- 4) The state police may appeal to the Administrative Court against decisions of the data protection authority in connection with the review pursuant to paragraph 1, which may also include the disclosure of personal data in the absence of an overriding interest in confidentiality.
- 5) Both the data protection authority and the Administrative Court must protect the protected public interests in their proceedings.

6) Applicants who have not already been provided with information in accordance with Art. 34g and for whom no personal data within the meaning of paragraph 1 has been processed at the time of the review shall be provided with information within 12 months of submitting their application. All other persons who have submitted a request for information and who have been registered as such with the data protection authority shall be provided with information in accordance with Art. 34g when the relevant confidentiality interests cease to apply, at the latest when the personal data is no longer required, in accordance with Art. 34g.

7) The data protection authority may also, without cause, review the lawfulness of data processing within the framework of national security (Art. 2 para. 2) by the state police. Art. 34i Repealed

V. International administrative assistance

A. General Art. 35

Principle

1) The state police may request foreign security authorities and organizations to transmit personal data, including special categories of personal data and personal data relating to criminal convictions and offenses, or to perform other official acts if this is necessary for the performance of their tasks.

1a) Within the framework of the agreement on participation in Prüm, the state police may, for the purpose of preventive action and the prosecution of criminal offenses, in accordance with the Swiss federal legislation applicable under the agreement between the Principality of Liechtenstein and the Swiss Confederation on cooperation within the framework of the Swiss information systems for fingerprints and DNA profiles:

a) compare dactyloscopic data and DNA profiles in the corresponding information systems of other participating states;

b) in the event of a match, request the transmission of personal data and other available data in accordance with the law of the participating state.

2) The national police may provide administrative assistance to foreign security authorities or organizations in accordance with Art. 35a:

a) upon request, provided that this is necessary for foreign security authorities or organizations to fulfill their tasks within the meaning of Art. 2 and that reciprocity exists;

b) on its own initiative, if this could be important in individual cases for the recipient in averting specific threats to public security and order or in preventing and combating criminal offenses. 2a) Within the framework of the agreement on participation in Prüm, the national contact points of the other participating states may, in accordance with the Swiss federal legislation applicable under paragraph 1a, have dactyloscopic data and DNA profiles compared with Liechtenstein reference data records in the Swiss information systems. In the event of a match with Liechtenstein reference data records, the national police may, upon request, transmit personal data and other available data from police information systems to the security authorities of the other participating states.

3) Administrative assistance shall not be provided if there is reason to believe that:

a) this would violate public order or other essential interests of Liechtenstein;

b) the subject matter of the case concerns a criminal matter relating to duties, taxes, customs, or foreign exchange;

c) the interests of the person concerned or of third parties worthy of protection are violated, in particular if the rights granted by the Convention of November 4, 1950, for the Protection of Human Rights and Fundamental Freedoms are violated in the recipient state, or if appropriate guarantees for adequate data protection in accordance with Art. 78 of the Data Protection Act would not be ensured; Art. 79 of the Data Protection Act remains reserved;

d) the requesting security authority or organization will use this information for political, military, religious, or racist purposes.

4) Personal data that has been transferred to foreign security authorities or organizations may only be used for purposes other than those for which it was transferred with the prior consent of the state police. This must be communicated to the requesting authority. Consent shall only be given if this data could also have been transferred for this purpose.

- 5) The state police are obliged to record the reason, content, recipient, and time of the data transfer. The record may only be used to check the admissibility of the transfer.
- 6) The state police must notify a foreign security authority or organization if personal data transmitted to it has been processed incorrectly or unlawfully and must therefore be corrected or deleted.

Art. 35a

Type of administrative assistance

- 1) The state police may provide administrative assistance by:
- a) the transfer of personal data, including special categories of personal data, such as genetic data, biometric data for the unique identification of a natural person, and health data, as well as personal data relating to criminal convictions and offenses, and data based on profiling;
 - b) granting and supporting foreign covert investigations on Liechtenstein territory;
 - c) other measures that do not require a court order.
- 2) The collection of personal data for the purposes of administrative assistance pursuant to paragraph 1(a) is only permitted through:
- a) the use of personal data processed by the national police in the performance of its duties;
 - b) obtaining information from other offices of the national administration, administrative authorities, and the courts;
 - c) police interrogations;
 - d) surveillance, if this is an essential prerequisite for the effective provision of administrative assistance.
- 3) Administrative assistance pursuant to paragraph 1(b) requires the approval of the chief of police. It may only be granted if the investigation of the facts for the performance of police duties within the meaning of Article 2 would be futile or significantly more difficult without the planned investigative measure and if reciprocity exists.
- 4) With the consent of the chief of police, organs of foreign security authorities may be present during police questioning and observation, insofar as this is necessary for the fulfillment of their police tasks within the meaning of Art. 2 and reciprocity exists. However, these organs may not perform any

official acts on behalf of the requesting state. In the case of a police interrogation, the person concerned must be informed of the presence of the representative of a foreign security authority.

5) The government may decide to transfer a person to a foreign country under Art. 2 para. 1 lit. p within the framework of witness protection or to accept such a person from a foreign country if this is essential to protect the significant security interests of that person. The details shall be regulated in an agreement between the state police and the competent authority of the foreign country or an international criminal court; the agreement requires the approval of the government. Art. 35b

PolG

Reservation

The provisions of the Mutual Assistance Act and intergovernmental agreements as well as obligations under international law remain reserved.

B. Simplified exchange of information with EU/Schengen countries

Art. 35c

Subject matter, purpose, and scope

1) In addition to the above provisions of this chapter on international administrative assistance, this section implements Directive (EU) 2023/977, this section regulates the conditions and modalities for the exchange of available information for the purpose of averting danger, preventing and prosecuting criminal offenses between the national police and the law enforcement authorities of other EU/Schengen states.

2) This section does not affect more extensive obligations in the area of administrative assistance and the more favorable provisions of existing bilateral or multilateral agreements between Liechtenstein and individual or several EU/Schengen states on cooperation.

Art. 35d

Definitions

For the purposes of this section, the following definitions apply:

a) Law enforcement authorities: authorities which, under national law, are empowered to take police coercive measures and police measures for the purpose of averting danger, preventing and prosecuting criminal offenses;

b) designated law enforcement authorities: law enforcement authorities of other EU/Schengen states that are authorized under the law of those states to address requests for information directly to the national police as the central contact point;

c) available information: all types of data on natural and legal persons, facts or circumstances that are relevant to law enforcement authorities for the purpose of preventing, combating and prosecuting criminal offenses, and which:

1. is stored in information systems to which the state police has direct access (directly available); or
2. can be collected by the state police without the use of procedural coercion (indirectly available).

Art. 35e

Data protection and information security

- 1) The transmission of information is limited to the categories of persons and data specified in Annex 2.
- 2) The national police shall ensure that, when processing classified information from other EU/Schengen states for the purpose of averting danger, preventing and prosecuting criminal offenses, the classifications under Liechtenstein law that correspond to or are equivalent to the respective classification level of the request are observed.

Art. 35f

Equal treatment

- 1) The transmission of information to the central contact points and the competent law enforcement authorities of other EU/Schengen states is not subject to stricter rules than the transmission of information to domestic law enforcement authorities.
- 2) Insofar as the provisions of this Act provide for stricter rules for the transmission of information to foreign law enforcement authorities than for domestic law enforcement authorities, they shall not apply to law enforcement authorities of EU/Schengen states.

Art. 35g

Central contact point and secure communication channel

- 1) The state police is the central contact point within the meaning of Directive (EU) 2023/977.

2) The state police uses the secure information exchange application (SIENA) for the exchange of information with the central contact points and designated law enforcement authorities of other EU/Schengen states or with Europol.

3) The state police may use another secure communication channel if this is necessary due to the urgency of the information transfer, the need to involve third countries or international organizations, or an unexpected technical or specific incident. Art. 35h

Requests from other EU/Schengen states

1) Requests for information must be written in German or English and contain the following information:

- a) the requesting authority;
- b) the information requested;
- c) the purpose for which the information is requested;
- d) a description of the facts of the underlying offense;
- e) the objective reasons for believing that the requested information is available to the state police;
- f) an explanation of the connection between the purpose for which the information is requested and all natural and legal persons to whom the information relates;
- g) in the case of urgent requests, the reasons why the request is considered urgent. A request is considered urgent if:
 1. the information is essential to avert an immediate and serious threat to public safety;
 2. the information is necessary to avert an immediate danger to the life or limb of a person;
 3. the information is necessary for the adoption of a decision that could include the maintenance of measures to secure property and assets or measures depriving a person of their liberty;
 4. it contains important information for the prevention, preemptive combating, and prosecution of criminal offenses, and the relevance of the information is directly jeopardized if it is not made available immediately;

h) any restrictions on the use of the information contained in the request.

2) If the conditions set out in paragraph 1 are not met or if clarification of the content is required, the state police shall immediately notify the requesting central contact point or the designated law enforcement authority in writing and give them the opportunity to supplement the request.

Art. 35i

Response

1) The State Police shall respond to the request in the language in which it was made; it shall refer to any restrictions on the use of the information and to confidentiality obligations.

2) If a request is refused, the State Police shall inform the requesting authority of the reason for the refusal within the time limit specified in Art. 35l.

3) When responding to requests from a designated law enforcement authority, the national police shall also forward a copy of the information to the central contact point of the requesting EU/Schengen state, provided that this does not jeopardize highly sensitive investigations or the safety of any person.

4) When responding to the request, the national police shall examine whether it is necessary in the individual case to forward a copy of the request or its response to Europol in accordance with the Agreement between the Principality of Liechtenstein and the European Police Office on operational and strategic cooperation.

5) Information transmitted to the state police by an EU/Schengen state or a third country may only be transmitted to another EU/Schengen state or Europol with the consent of that state or country and under the conditions specified by it for the use of the information. Art. 35k

Grounds for refusal

1) The exchange of information shall be refused if:

a) the request does not meet the conditions set out in Art. 35h (1);

b) the transmission of the requested information could prejudice essential national security interests;

- c) the information requested does not appear to be relevant or necessary for the prevention, investigation, or prosecution of a criminal offense;
 - d) the transmission of the requested information could jeopardize the success of ongoing investigations or the safety of persons;
 - e) the transmission of the requested information would unduly harm the protected vital interests of a legal entity;
 - f) the personal data requested does not correspond to the categories of persons and data listed in Annex 2;
 - g) the requested information is to be used as evidence before a judicial authority;
 - h) the request relates to a criminal offense punishable by imprisonment of one year or less;
 - i) the request relates to an offense that does not constitute an offense under Liechtenstein law;
 - k) the requested information was originally obtained from another EU/Schengen state or third country and that country has not consented to the transfer of the information; Article 77(3) of the Data Protection Act remains reserved;
 - l) the requested information has proven to be incorrect, incomplete, or no longer up to date;
 - m) the requested information was obtained through the use of procedural coercion or must be newly obtained or is protected by domestic law; or
 - n) the requested information is not available to the state police.
- 2) If the reason for refusal relates only to part of the requested information, the other information shall be provided within the specified time limit.

Art. 35I

Deadlines

- 1) The state police shall respond to requests within the following deadlines from the date of receipt:
- a) for urgent requests:
 1. eight hours for immediately available information;
 2. three days for indirectly available information;

b) for non-urgent requests: seven days.

2) If additions are requested in accordance with Art. 35h para. 2, the deadline shall be suspended during this period.

Section 35m

Transmission of information on own initiative

1) The state police may, on its own initiative, transmit available information to the central contact points or competent law enforcement authorities of other EU/Schengen states if it has reason to believe that this information could be important for the other EU/Schengen state in terms of averting danger, preventing and prosecuting criminal offenses.

2) It must transmit available information if it has reason to believe that it could be important for averting danger, preventing and prosecuting serious crimes listed in Annex 1.

3) Article 35i(4) applies mutatis mutandis to the transmission of available information under paragraphs 1 and 2.

4) The transmission of information pursuant to paragraphs 1 and 2 is excluded if:

a) in the cases referred to in paragraph 1, one of the reasons set out in Article 35k(1) applies;

b) in the cases referred to in paragraph 2, one of the reasons referred to in Article 35k(1)(b), (d), and (e) applies.

Art. 35n

Liechtenstein requests

1) Requests from the national police to the central contact points or designated law enforcement authorities of other EU/Schengen states must be written in a language specified by the EU/Schengen state concerned or in English and must contain the necessary information pursuant to Art. 35h para. 1.

2) If the national police addresses the request directly to a designated law enforcement authority of another EU/Schengen state, it shall at the same time forward a copy of the request to that state's central contact point, provided that this does not jeopardize investigations involving overriding confidentiality interests or the safety of a person.

Article 35o

Statistics

The state police shall compile annual statistics containing information on the number of:

a) information requests made;

- b) requests for information answered, broken down by urgent and non-urgent requests for information and by the requesting EU/Schengen states;
 - c) requests for information that were refused, broken down by requesting EU/Schengen states and reasons for refusal.
- 2) The statistics must not allow any conclusions to be drawn about the persons concerned.

Art. 35p and 35q Repealed

VI. Procedure and legal
protection Art. 35r

Principle

- 1) Unless otherwise specified, the provisions of the law on general state administration shall apply to the procedure and legal protection.
- 1a) An appeal may be lodged with the government (Art. 23 (4) LVG) within 14 days against the threat or use of physical coercion or against other orders issued by the state police that have not been issued in the form of an order or decision.
- 2) Unless otherwise specified, complaints shall have no suspensive effect.

Art. 35s

Access to files

- 1) Subject to special legal provisions, the state police must allow the parties to inspect the files or parts of files relating to their case. The parties may make copies themselves on the spot or, depending on the technical possibilities available, have copies made at their own expense.
- 2) Parts of files are excluded from inspection if their inspection would harm the legitimate interests of a party or third party, jeopardize the tasks of the state police, or impair the purpose of the proceedings.

3) If police files have been forwarded to another administrative authority or a court, the right to inspect files shall be governed by the provisions applicable to those authorities.

VII. Penal provisions Art.

36

Offenses

1) The district court shall punish any person who commits an offense with a fine of up to 5,000 Swiss francs or, in the event of non-payment, with imprisonment of up to one month, if they:

- a) disregards a prohibition on entry pursuant to Art. 24g;
- b) violates a curfew, a restriction on leaving the country, or a reporting requirement pursuant to Art. 26 para. 1;
- c) contravenes an order pursuant to Art. 26a.

2) The district court shall impose a fine for the offense, or in the event of non-payment, a prison sentence of up to one month, on anyone who refuses to provide the information specified in Art. 25e para. 1 lit. a or b or who provides false information in this regard. The fine shall amount to up to 30% of the value of the cash carried in Swiss francs.

3) In the event of a violation under paragraph 2 by a legal entity, §§ 74a and 74d of the Criminal Code shall apply.

4) In the case of violations under paragraph 2, the judge shall order the suspect to provide security in the amount of the presumed fine and procedural costs, provided that he or she has no permanent residence in the country. Section 322a (4) to (6) of the Code of Criminal Procedure shall apply *mutatis mutandis*.

VIII. Final provisions Art. 37

Terminology

Where laws and ordinances refer to the security corps, this shall be understood to mean the state police within the meaning of this Act.

Art. 38

Relationship to other laws

Insofar as other laws assign tasks to the state police without specifying the powers of the state police in more detail, this law shall apply.

Art. 39

Implementing regulations

The government shall issue the regulations necessary for the implementation of this law.
Art. 40

Repeal of previous law

Upon entry into force of this Act, the Act of December 30, 1932, concerning the Security Corps of the Principality of Liechtenstein (Police Act), LGBI. 1933 No. 1, shall be repealed.

Art. 41

Entry into force

This Act shall enter into force on the day of its

promulgation. On behalf of the Prince:

signed *Hans-Adam*

Hereditary Prince

signed *Hans Brunhart*

Princely Head of

Government Appendix 1

(Art. 24d para. 2a and Art. 35m para. 2)

Offenses under Liechtenstein law that correspond to or are equivalent to those under Art. 2 para. 2 of Framework Decision 2002/584/JHA or Art. 3 of Regulation (EU) 2016/794

	Framework Decision 2002/584/JHA	Regulation (EU) 2016/794	Offenses under Liechtenstein law
1.	Intentional killing and grievous bodily harm	Intentional killing and grievous bodily harm	Murder, manslaughter, killing on request, killing a child at birth, grievous bodily harm, bodily harm with serious permanent consequences, bodily harm with

Police Act (PolG)

			fatal consequences, intentional grievous bodily harm (Sections 75, 76, 77, 79, 84, 85, 86, and 87 StGB)
2.	Theft in an organized form or with weapons	Robbery and aggravated theft	Theft by burglary or with weapons, commercial theft and theft as part of a criminal organization, robbery, aggravated robbery (Sections 129 Nos. 5, 130, 131, and 143 StGB)
3.	Cybercrime	Computer crime	Unlawful access to a computer system, data damage, disruption of the functionality of a computer system, data theft, aggravated fraud, fraudulent misuse of data processing (§§ 118a para. 4 2. case, 126a (3) and (4), 126b (3) and (4), 131a, 147 and 148a (2 StGB)
4.	Sabotage		Serious damage to property, arson, deliberate endangerment through nuclear energy or ionizing radiation, deliberate endangerment through explosives, deliberate endangerment of the public, deliberate damage to the environment, deliberate endangerment of aviation safety , sabotage of defense equipment (§§

			126 (2), 169, 171, 173, 176, 180, 186, and 260 StGB)
5.	Fraud		Serious fraud, commercial fraud (Sections 147 and 148 StGB)
6.	Fraud offenses, including fraud to the detriment of the financial interests of the European Communities within the meaning of the Agreement of July 26, 1995 1995 based on Article K3 of the Treaty on European Union on the protection of the financial interests of the European Communities	Fraud offenses, including criminal offenses against the financial interests of the Union	Serious fraud, commercial fraud, fraudulent misuse of data processing, embezzlement, misuse of subsidies, fraudulent bankruptcy, damage to third-party creditors, obstruction of enforcement, obstruction of enforcement in favor of another (§§ 147, 148, 148a (2), 153 (3), 153a (4), 156, 157, 162 para. 2, and 163 StGB), counterfeiting of goods (Art. 155 of the Swiss Criminal Code)
7.	Counterfeiting and product piracy	Imitation and product piracy	Serious fraud, commercial fraud (Sections 147 and 148 of the Swiss Criminal Code) Trademark infringement, fraudulent use of trademarks, improper use of a guarantee or collective mark, use of inaccurate indications of origin (Art. 59 para. 3, Art. 60, 61 para. 4, Art. 62 para. 2 MSchG), design right infringement (Art. 43 para. 2 DesG),

			Copyright infringement and infringement of related property rights (Art. 61 para. 2 and Art. 63 para. 2 URG), counterfeiting (Art. 155 of the Swiss Criminal Code) Patent infringement (Art. 81 para. 3 of the Swiss Patent Act)
8.	Extortion and protection racketeering	Extortion and protection racketeering	Extortion, aggravated extortion (Sections 144 and 145 of the Swiss Criminal Code)
9.	Aircraft and ship hijacking		Extortionate hijacking, aggravated coercion, extortion, aggravated extortion, air piracy (Sections 102, 106, 144, 145, and 185 StGB)
10.	Trafficking in stolen motor vehicles	Motor vehicle crime	Receiving stolen goods (Section 164 (4) StGB)
11.	Human trafficking	Human trafficking	Slave trade, human trafficking (Sections 104 and 104a StGB)
12.	Kidnapping, deprivation of liberty, and hostage-taking	Kidnapping, deprivation of liberty, and hostage-taking	Deprivation of liberty, abduction of a person who is incapable of resistance or defenseless, abduction of a minor, kidnapping for ransom, surrender to a foreign power (Sections 99, 100, 101, 102, and 103 StGB)

13.	Sexual exploitation of children and child pornography	Sexual abuse and sexual exploitation, including depictions of child abuse and contacting children for sexual purposes	Serious sexual abuse of minors, sexual abuse of minors, moral endangerment of minors or young people, sexual abuse of minors, initiating sexual contact with minors, indecent influence on minors, abuse of a position of authority, arranging sexual contact with minors in return for payment, promoting prostitution and pornographic performances by minors, pornography, pornographic depictions of minors (§§ 205, 206, 207 (2), 208, 209 (1), 209a, 212, 214 (1, 215a, 218a (5) and 219 StGB)
14.	Rape	Sexual abuse and sexual exploitation, including depictions of child abuse and solicitation of	rape, sexual coercion (Sections 200 and 201 StGB)

		of children for sexual purposes	
15.	Arson		Arson (Section 169 StGB)
16.	Illegal trade in nuclear and radioactive substances	Crimes involving nuclear and radioactive substances	Intentional endangerment through nuclear energy or ionizing radiation, preparation of a crime through nuclear energy, ionizing radiation, or explosives (Sections 171 and 175 StGB), Crimes and offenses under the Nuclear Energy Goods Control Act (Art. 21 (1) and 2 KEGKG), Failure to comply with safety and security measures under the Swiss Nuclear Energy Act (Art. 88 para. 1 lit. c, paras. 2 and 3 KEG)
17.	Counterfeiting of currency, including counterfeiting of the euro	Counterfeiting	Counterfeiting money (Section 232 of the Swiss Criminal Code)
18.	Counterfeiting of means of payment	Counterfeiting of means of payment	Counterfeiting money, passing on and possessing counterfeit or falsified money, reducing the value of coins and passing on reduced coins, counterfeiting specially protected securities, counterfeiting securities, Money, securities, and valuables

			foreign countries, counterfeiting of non-cash means of payment (Sections 232, 233, 234, 237, 238 (1), 241, and 241a StGB)
19.	Counterfeiting of official documents and trade therein	Counterfeiting of official documents and trade therein	Abuse of official authority, false certification and authentication in office (Sections 302 and 311 StGB)
20.	Participation in a criminal organization	Organized crime	Criminal association, criminal organization (Sections 278 and 278a of the Criminal Code)
21.	Illegal trade in weapons, ammunition, and explosives	Illegal trade in weapons, ammunition, and explosives	Preparation of a crime using nuclear energy, ionizing radiation, or explosives, accumulation of weapons (Sections 175 and 280 StGB), Crimes under the Weapons Act (Art. 60 para. 3 WaffG), misdemeanors and crimes under the War Material Act (Art. 27 para. 1 and 2, Art. 28 para. 1 and Art. 29 para. 1 KMG), misdemeanors and crimes under the Swiss War Material Act (Art. 33 para. 1, 2 and 4, Art. 34 and 35 KMG), offenses under the Swiss Explosives Act (Art. 37 para. 1 sentence 1 Sprengstoffgesetz) ,

			Offenses under the Swiss Weapons Act (Art. 33 para. 1 and 3 WG)
22.	Terrorism	Terrorism	Anti-state associations, terrorist associations, financing of terrorism, training for terrorist purposes, travel for terrorist purposes, armed associations (Sections 246 (1) and (2), 278b, 278d, 278e, 278g, and 279 StGB)
23.	Racism and xenophobia	Racism and xenophobia	Discrimination (Section 283 StGB)
24.	Crimes falling within the jurisdiction of the International Criminal Court	Genocide, crimes against humanity, and war crimes	Genocide, crimes against humanity, war crimes against persons, war crimes against property and other rights, war crimes against international missions and misuse of protective and nationality symbols, war crimes involving the use of prohibited methods of warfare, war crimes involving the use of prohibited means of warfare, responsibility as a superior, violation of supervisory duty, failure to

			reporting a crime, crimes of aggression (§§ 321, 321a, 321b, 321c, 321d, 321e, 321f, 321g, 321h, 321i, and 321l StGB)
25.	Laundering of proceeds from criminal activities	Money laundering activities	Money laundering (Section 165 (1), (3) and 4 StGB)
26.	Corruption	Corruption	Bribery, acceptance of advantages, acceptance of advantages to exert influence, bribery, granting of advantages, granting of advantages to exert influence, prohibited intervention (Sections 304, 305 (2), 306 (2), 307, 307a (2), 307b (2) and 308 (3) StGB)
27.	Aiding and abetting illegal entry and illegal residence	Human smuggling	Promotion of illegal entry and illegal residence, production, use, and procurement of forged identity documents, as well as unlawful use or transfer of genuine identity documents, deception of the authorities (Art. 84 para. 3, Art. 85 para. 2, Art. 86 para. 3 AuG)
28.	Illegal trade in hormones and other growth promoters	Illegal trade in hormones and growth promoters	Offense under Swiss food law (Art. 63 para. 1 and 2 LMG),

Police Act (PolG)

			Offenses under the Swiss Therapeutic Products Act (Art. 86 para. 1 and 2 TPA) Penal provisions of the Swiss Sports Promotion Act (Art. 22 SpoFöG)
29.	Illegal trade in cultural property, including antiques and works of art	Illegal trade in cultural property, including antiques and works of art	Penal provisions of the Swiss Cultural Property Transfer Act (Art. 24 para. 1 and 3 KGTG)
30.	Illegal trade in organs and human tissue	Illegal trade in organs and human tissue	Offenses under the Swiss Stem Cell Research Act (Art. 24 para. 1 to 3 StFG) Offenses under the Swiss Transplantation Act (Art. 69 para. 1 and 2 Transplantation Act) Penal provisions of the Health Act (Art. 58 para. 2 and 3 GesG)
31.	Illegal trade in drugs and psychotropic substances	Drug trafficking	Penal provisions of the Narcotics Act (Art. 20 (1) and (2), Art. 24 (1), Art. 25 para. 1 BMG), Penal provisions of the Swiss Narcotics Act (Art. 19 para. 1

			and 2, Art. 20 para. 1 and 2 BetmG)
32.	Environmental crime, including illegal trade in endangered animal species or endangered plant and tree species	Environmental crime, including marine pollution by ships, illegal trade in endangered animal species, illegal trade in endangered plant and tree species	Intentional damage to the environment, intentional environmentally hazardous treatment and transport of waste, and intentional environmentally hazardous operation of facilities (Sections 180, 181a (2) and 181c StGB), Offenses under the Environmental Protection Act (Art. 88 para. 2 USG), Offenses under the Swiss Environmental Protection Act (Art. 60 para. 1 lit. b, c, d, e, f, h, i, j, k, n, o, p, q, and r USG), Penal provisions of the Swiss Genetic Engineering Act (Art. 35 para. 1 lit. a, c, d, e, f, g, h, i, and j GTG) Penal provisions of the Swiss Federal Act on Trade in Animals and Plants of Protected Species (Art. 26 para. 2 BGCIT-ES)
33.		Insider trading and financial market manipulation	Insider trading and unlawful disclosure of insider information, market manipulation (Art. 6 and 7 EEA-MDG)

Annex 2

(Art. 35e para. 1 and Art. 35k para. 1)

List of personal data that may be transferred to other EU/Schengen states in accordance with Art. 35e para. 1

A. Categories of persons:

Personal data may only be transferred if:

1. the person is suspected of having committed or participated in a criminal offense under national law, or has been convicted of such an offense; or
2. there are factual indications or reasonable grounds under national law that the person will commit a criminal offense.

B. Data categories:

The following personal data may be transferred, if available:

1. Personal details: current and former surnames, current and former first names, maiden name, parents' names (if necessary for identification purposes), gender, date of birth, place of birth, nationality, marital status, alias, current and former residential address and/or place of residence;
2. Physical description: physical description, distinguishing features (distinguishing marks, height, eye, skin, and hair color);
3. Means of identification: identity card or identity document, identity card number/social security number or PEID number, photograph and other information on physical appearance; fingerprints and palm prints, DNA profiles (taken from the non-coding part of the DNA), voice profile, blood type, dental records;
4. Occupation and skills: current and previous employment and professional activities, education (school/university/vocational training), professional qualifications, skills, and other knowledge (languages/other);
5. Information about economic and financial circumstances: financial details (bank accounts and bank codes, credit cards, etc.), cash assets, stocks/other assets, real estate holdings, connections to companies and businesses, contacts with banks and credit institutions, tax status, other information about a person's financial conduct;
6. Information on behavior: lifestyle (e.g., living beyond one's means) and habits, change of location, places regularly visited, carrying weapons and other dangerous instruments, dangerousness, specific

risks such as flight risk, use of double agents, connections to law enforcement personnel, crime-related characteristics and profiles, drug abuse;

7. contacts and associates, including the nature and characteristics of the contacts or connections;

8. means of communication used, such as telephone (landline/mobile phone), fax, pager service, e-mail, postal addresses, Internet connections;

9. Means of transport used, such as motor vehicles, watercraft, aircraft, including information for identifying these means of transport (registration numbers);

10. Information about criminal behavior: previous convictions, suspected involvement in criminal activities, modus operandi, means used or likely to be used to prepare and/or commit crimes, membership of a criminal group/organization and position within the group/organization, role in the criminal organization, geographical scope of criminal activities, material gathered during investigations such as videos and photos;

11. Details of other information systems in which information about the person concerned is stored: Europol, police/customs authorities, other law enforcement authorities, international organizations, public institutions, private institutions;

12. Information about legal entities related to the information mentioned in sections 5 and 10: name of the legal entity, address, date and details of the commercial register (place of incorporation, administrative registration number, legal form), capital, field of activity, subsidiaries in Germany and abroad, directors, connections to banks.

IV. Mutual Legal Assistance Act (MLA)

of September 15, 2000

I hereby approve the following resolution passed by the State Parliament:

I. General provisions

Art. 1

Priority of intergovernmental agreements

The provisions of this Act shall apply only insofar as nothing else is stipulated in intergovernmental agreements.

Art. 2

General reservation

A foreign request may only be complied with if it does not violate public policy or other essential interests of the Principality of Liechtenstein.

Art. 3

Reciprocity

1) A foreign request may only be complied with if it is guaranteed that the requesting state would also comply with a similar request from Liechtenstein.

2) A request under this Act may not be made by a Liechtenstein authority if a similar request from another state could not be complied with, unless a request appears urgently necessary for special reasons. In this case, the requested state shall be informed of the lack of reciprocity.

3) If there is any doubt as to whether reciprocity is being observed, information on this matter shall be obtained from the member of the government responsible for justice.

4) Reciprocity may be assured to another state in connection with a request under this law if there is no intergovernmental agreement and if it would be permissible under the provisions of this law to comply with a similar request from that state.

Art. 4

Conditions

Conditions imposed by another state in connection with the granting of extradition, transit or surrender, the provision of legal assistance or in connection with the assumption of criminal prosecution, supervision or enforcement, and which have not been rejected, must be complied with.

Art. 5

Costs

Costs incurred as a result of granting extradition or surrender, providing legal assistance, or in connection with the assumption of criminal prosecution, surveillance, or enforcement within the country shall be borne by the Principality of Liechtenstein, provided that reciprocity is also guaranteed in this respect. The requesting State shall always be required to reimburse the costs of expert fees incurred in providing legal assistance and the costs of transit.

RHG

Art. 6

Provisions on import, export, and transit

Restrictions or prohibitions on the import, export, and transit of items, including goods and valuables, contained in customs, foreign exchange, or monopoly regulations or in regulations on the movement of goods shall not prevent the delivery, transit, or shipment of items permitted under the provisions of this Act.

Art. 7

Travel documents

Persons who are transferred to another state or taken in from another state in accordance with the provisions of this Act do not require a travel document (passport or laissez-passer) or a visa to cross the border.

Art. 8

Preventive measures

A preventive measure within the meaning of this Act is a measure involving deprivation of liberty which is imposed by a court decision provided for in criminal law in addition to or in lieu of a penalty. If the duration of a measure still to be enforced is indefinite, the maximum period permitted by law shall be assumed.

Art. 8a

Property order

Property order means confiscation (Section 19a StGB), forfeiture (Sections 20, 20b StGB), forfeiture (§ 26 StGB) and any other penalty, preventive measure or legal consequence consisting in the deprivation of an asset or object, which is imposed after criminal proceedings have been conducted in Switzerland or abroad, with the exception of fines, monetary penalties, awards to private parties and procedural costs.

Article 9

Application of the Code of Criminal Procedure

1) Unless otherwise specified in the provisions of this Act, the Code of Criminal Procedure shall apply *mutatis mutandis*.

2) Sections 31 to 34, 301 to 305, and 308 of the Code of Criminal Procedure shall not apply to proceedings for the extradition of persons, but Section 30 (2) to (4) shall apply only with the proviso that the date of the district court judge's statement (Art. 31 (2)) shall replace the date of notification of the indictment.

2a) Section 241(4) of the Code of Criminal Procedure shall not apply.

3) The public prosecutor's office may refrain from prosecuting a criminal offense if Liechtenstein criminal jurisdiction is based solely on § 65 para. 1 no. 2 of the Criminal Code and public interests do not preclude refraining from prosecution, in particular if punishment is not necessary to prevent others from committing criminal offenses.

4) If the supervision of a person convicted by a foreign court is to be taken over or the decision of a foreign court is to be enforced, the public prosecutor's office may refrain from prosecuting the criminal offense underlying the foreign conviction if it can be assumed that the domestic court would not impose a significantly more severe penalty or preventive measure than that imposed by the foreign court.

II. Extradition from Liechtenstein

A. Admissibility of extradition

Art. 10

General principle

The extradition of persons to another state for prosecution for an act punishable by law or for the enforcement of a custodial sentence or preventive measure imposed for such an act

is permissible at the request of another state in accordance with the provisions of this Act.

Art. 11

Criminal offenses subject to extradition

1) Extradition for prosecution is permissible for intentional acts which, under the law of the requesting State, are punishable by imprisonment for more than one year or by a preventive measure of this duration, and under Liechtenstein law are punishable by imprisonment for more than one year. When assessing whether a criminal offense gives rise to extradition, the penalties amended by § 6 of the Juvenile Court Act shall not be taken into account. Whether an application necessary for prosecution under Liechtenstein law or such authorization exists is irrelevant.

2) Extradition for enforcement is permissible if the custodial sentence or preventive measure has been imposed for one or more of the criminal offenses listed in paragraph 1 and at least four months of the custodial sentence remain to be served. Several custodial sentences or the remaining periods to be served shall be added together.

3) If extradition is permissible under the provisions of paragraphs 1 or 2, extradition may also be granted for the prosecution of other criminal offenses or for the enforcement of other custodial sentences or preventive measures if extradition would otherwise not be permitted due to the severity of the penalty (paragraph 1) or the extent of the sentence or measure (paragraph 2). Art. 12

Extradition of nationals

1) A national may only be extradited to another state or handed over for prosecution or enforcement of a sentence if, after being informed of the consequences of his declaration, he expressly gives his consent. A court record shall be drawn up in this regard. The consent given may be revoked until the order for surrender is issued.

2) Paragraph 1 shall not apply to the transfer and return of a national who has been temporarily handed over to the Liechtenstein authorities by another state.

Art. 13

Priority of extradition

If extradition proceedings are pending against a foreigner or if there are sufficient grounds for initiating such proceedings, it is not permissible to remove him from the country on the basis of other legal provisions.

Art. 14

Criminal acts of a political nature

Extradition is not permitted

1. for political criminal offenses,
2. for other criminal acts based on political motives or objectives, unless, taking into account all the circumstances of the individual case, in particular the nature of the act, the means used or threatened, or the severity of the actual or intended consequences, the criminal character of the act outweighs its political character.

Art. 15

Military and fiscal criminal offenses

Extradition for criminal offenses which, under Liechtenstein law, are exclusively

1. of a military nature, or
 2. consist of violations of tax, monopoly, customs, or foreign exchange regulations, or of regulations on the management of goods or foreign trade,
- is not permitted.

Art. 16

Liechtenstein jurisdiction

1) Extradition for criminal offenses that are subject to Liechtenstein jurisdiction is not permitted.

2) However, paragraph 1 shall not preclude extradition

1. if jurisdiction is exercised only on behalf of another State, or
2. if, in view of the particular circumstances, in particular for reasons of establishing the truth, determining the penalty, enforcing the sentence, or better social reintegration, preference should be given to conducting the criminal proceedings in the requesting State.

3) Even under the conditions set out in paragraph 2, extradition is not permitted if the person to be extradited has already been convicted or acquitted in Germany or has been exempted from prosecution for reasons other than those specified in Article 9, paragraph 3.

. In the case of paragraph 2, subparagraph 2, extradition is also inadmissible if there is reason to fear that a conviction in the other state would place the person to be extradited in a significantly worse position overall than under Liechtenstein law.

Art. 17

Jurisdiction of a third state

Extradition is inadmissible if the person to be extradited is subject to criminal proceedings

1. has been acquitted by a court of the state where the offense was committed or has otherwise been exempted from prosecution, or
2. has been convicted by a court of a third country and the sentence has been fully enforced or has been waived in whole or in part for the part not yet enforced, or its enforceability has expired under the law of the third country.

Art. 18

Statute of limitations

Extradition shall not be permitted if the prosecution or enforcement is time-barred under the law of the requesting state or under Liechtenstein law.

Art. 19

Observance of constitutional principles; extradition asylum

Extradition is not permitted if there is reason to fear that

1. the criminal proceedings in the requesting State will not comply or have not complied with the principles of Articles 3 and 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms,
2. the penalty or preventive measure imposed or expected to be imposed in the requesting state would be enforced in a manner that does not comply with the requirements of Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms, or
3. the person to be extradited would be exposed to persecution in the requesting state on account of their descent, race, religion, membership of a particular ethnic or social group, nationality, or political opinions, or would suffer other serious disadvantages for one of these reasons (extradition asylum).

Inadmissible penalties or preventive measures

1) Extradition for prosecution for an offense punishable by death under the law of the requesting state is only permissible if it is guaranteed that the death penalty will not be imposed.

2) Extradition for the purpose of enforcing the death penalty is inadmissible.

3) The provisions of paragraphs 1 and 2 shall also apply mutatis mutandis to penalties or preventive measures that do not meet the requirements of Art. 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms. Art. 21

Minors

The extradition of persons who were below the age of criminal responsibility under Liechtenstein law or under the law of the requesting state at the time of the offense is not permitted.

Art. 22

Hardship cases

Extradition is inadmissible if, taking into account the seriousness of the criminal offense with which the person to be extradited is charged, it would be manifestly disproportionately harsh on the person concerned due to their young age (Section 2(2) of the Juvenile Court Act), their long-standing residence in the country, or other serious reasons relating to their personal circumstances.

Art. 23

Speciality of extradition

1) Extradition is only permissible if it is guaranteed that

1. the extradited person shall not be prosecuted, punished, restricted in their personal liberty, or surrendered to a third country in the requesting State for an act committed prior to their surrender that is not covered by the extradition authorization, nor shall they be prosecuted, punished, restricted in their personal liberty, or surrendered to a third country solely for one or more acts that are not subject to extradition on their own (Art. 11 para. 3)

2. in the event of a change in the legal assessment of the act on which the extradition is based or in the event of the application of criminal law provisions other than those originally assumed, the extradited person shall only be prosecuted and punished to the extent that extradition would also be permissible under the new circumstances.

2) Prosecution or the enforcement of a custodial sentence or preventive measure may be agreed to upon request after extradition has been carried out if, in relation to the requesting state, extradition would be permissible on the basis of the act underlying the request, even if only in connection with a previous authorization. Similarly, onward extradition to a third state may be approved if extradition would be permissible in relation to that state.

3) Consent pursuant to paragraph 2 shall not be required if

1. the extradited person remains in the territory of the requesting State for more than forty-five days after his or her release, even though he or she could and was allowed to leave it,

2. the extradited person leaves the territory of the requesting State and voluntarily returns there or is lawfully returned there from a third State,

3. the extradition has been carried out in

accordance with Article 32. Art. 24

Extradition requests from several States

If two or more States request the extradition of the same person, priority between the extradition requests shall be determined taking into account all circumstances, in particular the contractual obligations, the place where the offense was committed, the chronological order in which the requests were received, the nationality of the person to be extradited, the possibility of their onward transfer and, if the requests relate to different criminal offenses, also the seriousness of the criminal offenses.

Art. 25

Surrender of objects

1) In connection with extradition, the surrender of objects that may serve as evidence or that the person to be extradited has obtained through the criminal offense or through the exploitation of the objects derived therefrom is permissible.

2) If extradition, which would be permissible under the provisions of this Act, cannot be granted because the person to be extradited has fled or died or could not be apprehended in the country, extradition

on the basis of the extradition request or a separate request.

3) Surrender for the purpose of providing evidence may be granted on condition that the items are returned immediately upon request.

4) Extradition shall in any case be inadmissible if there is reason to fear that it would frustrate or unduly impede the prosecution or enforcement of the rights of third parties.

B. Jurisdiction and procedure

Art. 26

Jurisdiction of the regional court

1) The regional court shall be responsible for examining a request for extradition or for the imposition of extradition detention and for preparing an offer of extradition.

2) If several persons are to be extradited for their participation in the same criminal offense or for criminal offenses that are related to each other, the extradition proceedings shall be conducted jointly for all persons. Section 12 of the Juvenile Court Act remains reserved.

3) The provisions of paragraphs 1 and 2 shall also apply to the surrender of objects in connection with extradition.

Art. 27

Search

1) Requests received for the imposition of extradition detention shall be examined by the regional court to determine whether there are sufficient grounds for assuming that the underlying criminal offense gives rise to extradition. If this condition is met, the search for the wanted person shall be initiated and, if necessary, their detention shall be ordered.

2) The regional court may refrain from dealing with a request received via an automated search system, via the International Criminal Police Organization - INTERPOL - or otherwise through international police assistance, may be omitted if there is no reason to believe that the person sought is in Liechtenstein and the request only gives rise to search measures that do not consist of a call for assistance from the public.

Art. 28

Offer of delivery

1) If there are sufficient grounds for believing that a person entering the country has committed a criminal offense subject to extradition, the public prosecutor's office must examine whether there are grounds for extradition. If this is the case, after the person to be extradited has been questioned by the district judge, the public prosecutor's office must request that the district judge report the matter to the member of the government responsible for justice. The latter shall ask the state in which the criminal offense was committed whether extradition is requested. The member of the government responsible for justice may refrain from making the inquiry if it must be assumed that such a request will not be made or if it is apparent from the documents that extradition would have to be refused for one of the reasons specified in Art. 2 and 3 (1). The decision to refrain from making the inquiry and the reasons for it shall be communicated to the regional court. A reasonable time limit shall be set for the receipt of the extradition request. If an extradition request is not received in time, the member of the government responsible for justice shall inform the court thereof.

2) Upon notification that questioning pursuant to paragraph 1 will not take place or that an extradition request has not been received in time, the regional court shall immediately release the person in extradition custody, unless the public prosecutor's office immediately applies for pretrial detention. Extradition detention shall be taken into account in the event of a conviction by a domestic court pursuant to Section 38 of the Criminal Code.

Art. 29

Extradition detention

1) Extradition detention may only be imposed if there are sufficient grounds for believing that a person entering the country has committed a criminal offense subject to extradition. Unless otherwise provided for in this Act, the provisions on pre-trial detention shall apply mutatis mutandis to extradition detention.

2) Extradition detention may not be imposed or maintained if the purposes of detention can be achieved by simultaneous judicial pre-trial detention or imprisonment. The district judge shall order any deviations from the enforcement of pre-trial detention or imprisonment that are indispensable for the purposes of the extradition proceedings.

If the purposes of detention cannot be achieved by simultaneous penal detention or if the extradition proceedings would be significantly impeded by the maintenance of penal detention, the district judge shall impose extradition detention; this shall result in an interruption of the execution of the sentence. Extradition detention shall be credited against the penal detention interrupted by it.

3) Before a decision is made on the imposition of extradition detention, the person to be extradited must be informed of the charges against them and advised that they are free to make a statement or refuse to testify on the matter and to consult with a defense attorney beforehand. They must also be informed of their right to request a public hearing before the High Court.

4) The duration of extradition detention may not exceed six months. However, at the request of the public prosecutor's office, the district judge may, due to particular difficulties or the particular scope of the proceedings and if the criminal offense subject to extradition is a felony, determine that the detention may last up to one year. The time limit on extradition detention and the time limit on the most recent decision to impose or continue extradition detention shall cease to apply as soon as the High Court has declared the extradition request admissible in accordance with Art. 33; after this point in time, detention hearings shall no longer be conducted ex officio. The same applies if and as soon as the person concerned agrees to simplified extradition (Article 32).

5) If extradition detention is imposed on a person who is not represented by a defense attorney, a defense attorney must be appointed at the same time (Section 26 (3) of the Code of Criminal Procedure).

Art. 30

Handling of incoming requests

Extradition requests shall be forwarded by the Office of Justice to the district court for further action. If circumstances arise that prevent extradition for one of the reasons listed in Articles 2 and 3(1), or if the request is unsuitable for lawful processing, the member of the government responsible for justice shall immediately reject the request.

Art. 31

Proceedings before the district court

1) The district judge shall hear the person to be extradited on the extradition request; Art. 29 para. 3 shall apply *mutatis mutandis*. Whether the person to be extradited is sufficiently suspected of the criminal offense with which they are charged according to the extradition documents shall only be examined if there are significant doubts in this regard, in particular if evidence is available or offered that could refute the suspicion without delay.

2) After completing any necessary investigations, the district judge shall submit the files to the High Court with a reasoned statement as to whether extradition is permissible.

Art. 32

Simplified extradition

1) If, during questioning, the person to be extradited on the basis of a foreign request for extradition or for the imposition of extradition detention has declared their agreement to extradition and consented to being handed over without formal extradition proceedings being carried out, the district court judge shall, after obtaining a statement from the public prosecutor's office, forward the files directly to the Office of Justice. If there are several requests, the declaration of consent shall only be effective if it covers all requests. However, if the person concerned is in extradition custody, they may only give this consent effectively at the earliest in the first custody hearing (Section 132 (2) No. 1 of the Code of Criminal Procedure). In any case, consent shall only be legally valid if it is recorded in the court minutes.

1a) In the case of consent to simplified extradition, no formal extradition request is required.

2) The district judge must inform the person to be extradited that, in the event of extradition pursuant to paragraph 1, they are not entitled to protection under Article 23(1) or under corresponding provisions in intergovernmental agreements, and that they may only revoke their consent until the transfer order is issued.

3) The simplified extradition of a minor is only permissible if their legal representative also consents or if they are represented by a defense attorney.

Article 33

Decision on admissibility

1) The High Court shall decide on the admissibility of extradition in a closed session if neither the public prosecutor's office nor the person to be extradited has requested a public hearing and such a hearing does not appear necessary to assess the admissibility of extradition. Regardless of any request for a public hearing, the High Court may always declare the extradition inadmissible in a closed session. Before a decision is made in a closed session, the public prosecutor's office, the person to be extradited, and their defense counsel must be given the opportunity to comment on the extradition request.

2) In other cases, a public hearing must be scheduled, to which the public prosecutor's office, the person to be extradited, and the defense counsel must be summoned. The person to be extradited must be represented by a defense counsel at the hearing (Section 26 of the Code of Criminal Procedure). If the person to be extradited is in custody, arrangements must be made for them to be brought before the court. The summons of the person to be extradited and their defense counsel, as well as the notification of the arrested person to be extradited, must be made in such a way that the parties involved have at least eight days to prepare.

3) The hearing may be closed to the public, except in the cases specified in the Code of Criminal Procedure, if the person to be extradited so requests or if international relations could be affected.

4) During the hearing, a member of the High Court presents an account of the proceedings to date without expressing an opinion on the decision to be made. The public prosecutor's office is then given the floor. After that, the person to be extradited and their defense counsel are given the opportunity to comment on the extradition request and the statements made by the public prosecutor's office. The person to be extradited and their defense counsel shall in any case have the right to make a final statement. After these presentations, the High Court shall retire to deliberate.

5) The High Court shall decide by means of a ruling, which shall be announced orally by the presiding judge. Before reaching a decision, the High Court may request the district judge to conduct additional investigations.

6) Once the decision has become final, the High Court shall forward it to the Office of Justice together with the files.

Art. 34

Approval and rejection of extradition

- 1) The member of the government responsible for justice shall decide on the extradition request in accordance with intergovernmental agreements and the principles of intergovernmental legal relations. In doing so, it shall take into account the interests of the Principality of Liechtenstein, obligations under international law, in particular in the field of asylum law, and the protection of human dignity. It shall refuse extradition if the High Court has declared it inadmissible.
- 2) If extradition is permissible in relation to several states, the member of the government responsible for justice shall also decide which extradition request takes precedence.
- 3) If the conditions of Art. 32 are met and the person to be extradited has not revoked their consent, the member of the government responsible for justice shall order the surrender of the person to be extradited, taking into account Art. 37, paras. 1 and 3. However, if there are concerns about the admissibility of extradition for one of the reasons listed in Articles 10 to 25, the procedure set out in Articles 31, 33, and 34(1), (2), and (4) shall be followed.
- 4) The member of the government responsible for justice shall notify the requesting state of its decision and, except in cases of simplified extradition, also the High Court, which shall arrange for the person to be extradited and their defense counsel to be notified through the district court.

Art. 35

Documents

- 1) The admissibility of extradition shall be examined on the basis of the extradition request and its supporting documents. These documents must in any case include the original or a certified copy or photocopy of a judicial arrest warrant, a document of equivalent effect, or an enforceable conviction.
- 2) The member of the government responsible for the justice sector may, at any stage of the proceedings, on his own initiative or at the request of the district judge or the high court, request the requesting State to supplement the documents and set a reasonable time limit for this. If this time limit expires without result, a decision shall be taken on the basis of the available documents.

Art. 36

1) The district judge shall arrange for the extradition to be carried out. If the person to be extradited is at liberty, he or she shall be arrested if the extradition cannot otherwise be guaranteed. The transfer of the person to be extradited to the relevant border crossing point or to another agreed place of surrender shall be carried out by the state police. Items belonging to the personal property of the person to be extradited and held in judicial custody shall also be handed over, unless the person to be extradited decides otherwise.

2) The surrender of a minor may, if the purposes of extradition do not preclude this, also take place in such a way that the minor is handed over to his or her legal guardian or a person appointed by the latter.

3) A minor whose extradition is likely to be granted may be handed over before a decision on the extradition request has been made if this appears necessary in order to avert disadvantages associated with a lengthy extradition procedure and if compliance with the principle of specialty is guaranteed. The member of the government responsible for justice shall decide on early handover.

Art. 37

Postponement of surrender

Surrender shall be postponed

1. if the person to be extradited is unfit for transport,
2. upon resumption of the extradition proceedings, or
3. if criminal proceedings are pending against the person to be extradited in the domestic jurisdiction, if they are to be held in custody in connection with other domestic proceedings, or if a custodial sentence or preventive measure imposed by a court or administrative authority is to be enforced against the person to be extradited. If prosecution is waived on account of extradition (Section 21(2)(b) of the Code of Criminal Procedure), the surrender shall be carried out without delay.

Art. 38

Provisional surrender

1) Notwithstanding the postponement of surrender under Art. 37(3), a person serving a custodial sentence or preventive measure may be surrendered provisionally to another State at its request for the purpose of carrying out certain procedural acts, in particular the final hearing and the passing of sentence, if their postponement after the procedural acts have been carried out is guaranteed.

another state at its request for the purpose of carrying out certain procedural acts, in particular the final hearing and the passing of sentence, if their postponement is guaranteed after the procedural acts have been carried out. Provisional surrender shall not take place if it could result in unreasonable disadvantages for the person to be extradited.

2) Provisional surrender shall not interrupt the enforcement of the domestic custodial sentence or preventive measure.

3) The member of the government responsible for justice shall decide on the request for provisional surrender.

RHG

Art. 39

Resumption of extradition proceedings

The High Court shall revoke its decision taken pursuant to Art. 33 in a closed session if new facts or evidence come to light which, alone or in conjunction with the extradition documents and the results of any investigations, give rise to serious doubts as to the correctness of the decision. The further procedure shall be governed by Arts. 31, 33, and 34.

Art. 40

Subsequent extradition proceedings

If the extradited person has not been handed over by way of simplified extradition, the proceedings on requests under Art. 23 para. 2 shall be governed by Art. 31, 33, and 34, with the proviso that the High Court shall always decide in a closed session. Before the decision is made, the extradited person must be given the opportunity to comment on the request.

Art. 41

Procedure for the surrender of objects

1) Articles 31 to 35 shall apply mutatis mutandis to the surrender of objects. In the case of a separate request for surrender, the documents referred to in Article 35(1) may be replaced by a certified copy or photocopy of a court order of seizure or a document having the same effect.

2) The surrender of objects shall be postponed as long as they are required for pending court or administrative proceedings in the country.

3) An item seized as a result of a criminal offense may be returned to the entitled party in accordance with § 259 of the Code of Criminal Procedure even without the proceedings referred to in paragraph 1 being carried out.

III. Transit

A. Admissibility

Art. 42

General principle

1) The transit of persons through the territory of the Principality of Liechtenstein for the purpose of prosecution for an act punishable by law or for the enforcement of a penalty or preventive measure imposed for such an act shall be admissible at the request of a State to which the persons are to be extradited from a third State, in accordance with the provisions of this Act.

2) The provisions of Articles 42 to 49 shall apply mutatis mutandis to requests for the transit of persons through the territory of the Principality of Liechtenstein to a third State for the purpose of taking over criminal prosecution or enforcing a foreign court decision. Transit shall also be authorized if extradition would not be permissible for one of the reasons listed in Art. 11.

Art. 43

Admissibility of transit

Transit shall only be permissible if extradition would be permissible under Articles 11, 14, 15, 18 to 21, and 23.

Article 44

Prohibition of transit delivery of nationals

The transit of nationals through the territory of the Principality of Liechtenstein is only permissible if extradition would be permissible under Articles 11, 12, 14, 15, 18 to 21.

Article 45

Liechtenstein jurisdiction

1) Transit for a criminal offense subject to Liechtenstein jurisdiction is permissible unless extradition of the person to be extradited to the Principality of Liechtenstein is to be obtained for this criminal offense.

1. the extradition of the person to be transferred to the Principality of Liechtenstein is to be obtained, or

2. the person to be transferred has already been convicted in Liechtenstein or has been acquitted or otherwise released from prosecution for a reason other than the lack of Liechtenstein jurisdiction.

2) A domestic criminal claim against the person to be transferred for a criminal offense not covered by the transfer request shall only preclude transfer if extradition to the Principality of Liechtenstein is to be obtained for this criminal offense.

Art. 46

Use of air transport

1) Transit does not require authorization if air transport is to be used and no stopover on the territory of the Principality of Liechtenstein is planned. In this case, it is sufficient for the requesting state to confirm that the person to be transferred is not to be transferred for any of the criminal offenses listed in Art. 14 and 15(1) and that one of the documents specified in Art. 48(1) is available. Art. 12 applies mutatis mutandis to the transit of a national.

2) If, in the event of an unforeseen stopover, the flight cannot be continued without delay, the notification of the use of air transport shall be regarded as a request for extradition custody.

B. Jurisdiction and procedure

Art. 47

Decision

1) The member of the government responsible for justice shall decide on the transit request. He shall communicate this decision to the requesting state through the appropriate channels.

2) A notification of the use of air transport shall be examined by the member of the government responsible for justice. If the use of air transport is not permitted, the member of the government responsible for justice shall notify the requesting state of this through the appropriate channels.

Art. 48

Documents

1) The admissibility of transit shall be examined on the basis of the transit request and its supporting documents. These documents must in any case include the original or a certified copy or photocopy of a judicial arrest warrant, a document of equivalent effect, or an enforceable conviction.

2) The member of the government responsible for the justice sector may request the requesting State to supplement the documents and set a reasonable time limit for doing so. If this time limit expires without result, a decision shall be taken on the basis of the documents available.

Art. 49

Surrender

1) If transit is authorized, the border crossings at which the person to be transported is to be taken over and handed over shall be specified. The person to be transported may only be taken over if their transit has been authorized and if they are fit for transport.

2) The state police shall be responsible for carrying out the transit. In connection with the transit, any items that have been handed over with the person to be transported shall also be transported.

3) The transit is to be interrupted if

1. after the transfer of the person to be transferred, new facts or evidence come to light which, alone or in conjunction with the transit documents and the results of any investigations, give rise to serious doubts as to the admissibility of the transit,

2. the person to be transferred has committed a criminal offense during transit on the territory of the Principality of Liechtenstein that is subject to prosecution *ex officio*, unless prosecution is waived in accordance with § 21 (2) (b) of the Code of Criminal Procedure, or

3. the person to be extradited becomes unfit for transport.

IV. Legal assistance for foreign countries

A. Requirements

Art. 50

General principle

1) In criminal matters, including proceedings for the imposition of preventive measures and the pronouncement of a property order, as well as

matters relating to repayment and criminal records, proceedings concerning compensation for criminal detention and conviction, clemency matters, and matters relating to the enforcement of sentences and measures, legal assistance may be provided in accordance with the provisions of this Act at the request of a foreign authority.

1a) Foreign civil proceedings for the imposition of a property order within the meaning of Sections 20 and 20b of the Criminal Code are criminal matters within the meaning of paragraph 1.

2) An authority within the meaning of paragraph 1 is a court, a public prosecutor's office, or an authority active in matters of the enforcement of sentences and measures.

2a) The European Public Prosecutor's Office (EPPO) pursuant to Regulation (EU) 2017/1939 shall also be considered an authority within the meaning of paragraph 1.

3) Mutual legal assistance within the meaning of paragraph 1 is any assistance provided for foreign proceedings in a criminal matter. It also includes the authorization of activities in the context of cross-border surveillance based on intergovernmental agreements.

Art. 51

Inadmissibility of mutual legal assistance

1) The provision of mutual legal assistance is inadmissible insofar as

1. the act underlying the request is not punishable under Liechtenstein law or is not subject to extradition under Articles 14 and 15(1)

2. extradition would be inadmissible for the proceedings underlying the request under Article 19(1) and (2), or

3. either the substantive requirements for carrying out certain investigative measures under Part IX of the Code of Criminal Procedure are not met, or the provision of legal assistance would result in a breach of the duty of confidentiality to be observed under Liechtenstein law, including vis-à-vis the criminal courts (Section 8(2) of the Code of Criminal Procedure).

1a) Repealed

2) The absence of criminal liability under Liechtenstein law does not preclude the service of documents if the recipient is willing to accept them.

3) If a request is based on a fiscal offense for which mutual legal assistance is permissible under paragraph 1, a measure may also be ordered under §§ 92 to 95, 96, 96b, 113, or 114 of the Criminal Procedure Code may also be ordered if the offense is punishable under Liechtenstein law by a prison sentence not exceeding six months.

4) The provision of legal assistance pursuant to paragraphs 1 and 3 for fiscal offenses is also permissible if intergovernmental agreements on legal assistance that entered into force before January 1, 2016, stipulate otherwise.

Art. 52

Transmission of objects and files

1) Objects or files may only be transmitted if it is guaranteed that they will be returned as soon as possible. The return of transmitted objects may be waived if they are no longer needed.

2) Items to which the Principality of Liechtenstein or third parties have rights may only be sent on condition that these rights remain unaffected. Items may not be sent if there is reason to believe that doing so would prevent or unduly impede the pursuit or realization of such rights.

3) The transfer of items or files must be postponed as long as they are required for domestic court or administrative proceedings.

4) The transmission of objects or files is only permissible if it is guaranteed that

1. the objects or files will not be used in the requesting State for the purposes of evidence or investigation in respect of an act committed prior to their transfer which is not covered by the mutual legal assistance authorization, nor for the purposes of evidence or investigation in respect of one or more acts which are not subject to mutual legal assistance on their own (Art. 51(1)),

2. in the event of a change in the legal assessment of the act on which the mutual legal assistance is based or in the event of the application of criminal law provisions other than those originally assumed, the documents and objects transmitted are used only to the extent that mutual legal assistance would also be permissible under the new circumstances.

5) If the entitled parties consent to the transfer of objects and files by the end of the legal assistance proceedings, the regional court shall transfer the objects and files to which the consent relates to the requesting authority without further formal proceedings. Consent shall be given by the entitled parties in writing or recorded in the minutes; it shall be irrevocable. Consent to the transfer of objects and files shall not be unlawful unless it was given with the intention of causing harm.

Art. 52a

Entitled persons

An entitled party within the meaning of this chapter is anyone who is personally and directly affected by a legal assistance measure.

Art. 53

Summons

1) A person located in Liechtenstein may only be served with a summons to appear before a foreign authority if it is guaranteed that they will not be prosecuted, punished, or have their personal freedom restricted for an act committed before their departure from the Principality of Liechtenstein. However, prosecution, punishment, or restriction of personal freedom is permissible

1. for a criminal offense that is the subject of the summons of the person as a defendant,
2. if, after the conclusion of the hearing, the summoned person remains in the territory of the requesting State for more than fifteen days, even though they could and were allowed to leave, or

3. if, after leaving the territory of the requesting State, they voluntarily return there or are lawfully returned there.

2) Summonses containing threats of coercion in the event of non-compliance may only be served with the instruction that the threatened measures cannot be enforced in Liechtenstein.

3) Witnesses and experts shall be paid an appropriate advance on travel expenses at their request if the other State has requested this and the reimbursement of the advance by the other State is guaranteed.

Art. 54

Transfer of arrested persons for the purpose of giving evidence

1) A person who is in pre-trial detention or serving a sentence or who is being held for the enforcement of measures on the basis of a Liechtenstein court decision may be transferred abroad at the request of a foreign authority for the purpose of carrying out important investigative measures, in particular for the purpose of questioning or confrontation, if

1. they consent to this transfer,
2. their presence is not required for criminal proceedings pending in Liechtenstein,
3. the transfer does not prolong their detention, and
4. the requesting state guarantees to keep them in custody, to return them immediately after the investigative measure has been carried out, and not to prosecute or punish them for an act committed prior to the transfer.

2) The transfer shall not interrupt the enforcement of the pretrial detention, prison sentence, or preventive measure.

Art. 54a

Unsolicited transmission of information

1) The court may unsolicitedly transmit information obtained for its own criminal proceedings to a foreign authority if

1. there is a basis for this in an intergovernmental agreement,
2. this information could assist a foreign authority in initiating or conducting investigations or proceedings, and
3. the transmission of the information would also be permissible within the framework of a request for legal assistance from the foreign authority.

2) The transmission of information is also permissible without an intergovernmental agreement if

1. it can be assumed on the basis of specific facts that the content of the information could prevent an extraditable offense (Art. 11) or avert an immediate and serious threat to public safety, and
2. the conditions set out in paragraph 1(3) are met.

3) The transmission of information pursuant to paragraphs 1 and 2 shall be subject to the condition that

1. the transmitted information may not be used for any purpose other than that for which it was transmitted without the prior consent of the transmitting authority,

2. the data transmitted must be deleted or corrected by the receiving authority without delay as soon as

- a) the data is found to be incorrect,
- b) the transmitting authority informs the receiving authority that the data has been obtained or transmitted unlawfully, or
- c) it becomes apparent that the data is not or no longer required for the purpose for which it was transmitted.

4) Art. 77 para. 3 applies *mutatis mutandis*.

B. Jurisdiction and procedure

Art. 55

Competence to execute a request for legal assistance

1) Notwithstanding paragraphs 2 and 3, the regional court shall have jurisdiction to deal with requests for legal assistance.

2) If a person to be transferred is in prison or serving a sentence, the regional court shall decide on the request for transfer. The decision shall be communicated to the member of the government responsible for justice. The member of the government responsible for justice shall refuse the transfer if one of the circumstances listed in Articles 2 and 3(1) applies. The transfer to the border crossing point in question or to the otherwise agreed place of transfer shall be carried out by the national police.

3) If a person detained in another state is to be transferred through the territory of the Principality of Liechtenstein to a third state for the purpose of important investigative measures, in particular for the purpose of questioning or confrontation, Articles 44, 47, and 49 shall apply *mutatis mutandis*.

4) If the request for legal assistance seeks the transfer of objects and files, a separate decision shall be made after seizure as to which of the seized objects and files are to be handed over to the requesting authority. The entitled parties shall be given a fair hearing in advance.

5) The disclosure and transmission of final criminal court decisions to the requesting authority is permissible without formal proceedings. Art. 56

Form and content of a request for legal assistance

1) Mutual legal assistance may only be provided if the facts of the case and the legal assessment of the criminal offense underlying the request can be ascertained from the request. In the case of requests for service, a reference to the criminal law provisions applicable or applied in the requesting state is sufficient.

2) A request for the search of persons or premises, the seizure of objects, or the monitoring of telecommunications must be accompanied by a certified copy or photocopy of the order issued by the competent authority. If the order is not issued by a court, a statement from the authority requesting legal assistance must be provided confirming that the conditions required for this measure are met under the law applicable in the requesting State.

3) If it is not possible to order measures in accordance with paragraph 2 under the law of the requesting State, confirmation that these measures are permissible in the requesting State shall suffice.

Art. 56a

Opinion of the tax administration

A request for legal assistance relating to a fiscal offense shall be forwarded by the district court to the tax administration for comment.

Art. 57

Refusal of mutual legal assistance; lack of jurisdiction

1) If mutual legal assistance is not provided in whole or in part, the requesting foreign authority shall be notified thereof through the appropriate channels, stating the reasons.

2) Requests for legal assistance received by other authorities shall be forwarded to the district court.

Art. 58

Applicable procedural rules

Legal assistance shall be provided in accordance with the domestic rules governing criminal proceedings. However, a request to comply with a specific procedure that deviates from this shall be complied with if this procedure is compatible with the principles of Liechtenstein criminal procedure. If legal assistance is provided by means of an order pursuant to § 97a of the Code of Criminal Procedure, this shall be limited in time; the requesting foreign authority shall be notified of this through the designated channels.

Art. 58a

Participation in the proceedings

- 1) The entitled parties may participate in the proceedings and inspect the files to the extent necessary to protect their interests.
- 2) The rights under paragraph 1 may only be restricted:
 1. in the interests of the foreign proceedings;
 2. to protect an essential interest, if requested by the requesting authority;
 3. due to the nature or urgency of the mutual legal assistance to be provided;
 4. to protect essential private interests;
 5. in the interests of proceedings in Liechtenstein.
- 3) Access to or participation in the proceedings may only be refused for those documents and procedural acts for which the conditions set out in paragraph 2 are met.

Art. 58b

Service of decisions and summonses

- 1) The court of legal assistance and the appellate courts shall serve their decisions and summonses on:
 1. to entitled persons who are domiciled or have their registered office in Liechtenstein;
 2. to entitled parties residing abroad with a delivery address in Liechtenstein.
- 2) In the case of legal entities and associations governed by personal law that no longer have any organs, service shall be effected on the organ or representative that last performed this function.

Art. 58c

Appeal in court proceedings

- 1) The decision of the court of mutual legal assistance concluding the mutual legal assistance proceedings shall be subject to appeal together with the preceding decisions.
- 2) The preceding decisions may be challenged independently if they cause direct and irreparable harm; this applies in particular to orders pursuant to § 97a of the Code of Criminal Procedure.
- 3) Any appeals pursuant to paragraph 2 shall not impede the further progress of the mutual legal assistance proceedings.

Art. 58d

The following persons are entitled to lodge an appeal:

- a) anyone who is personally and directly affected by a legal assistance measure and has an interest worthy of protection in its revocation or amendment;
- b) the Liechtenstein Public Prosecutor's Office.

Art. 58e

Provisional transmission of documents and information stored on data carriers

1) Documents and information stored on data carriers may be transmitted after seizure from or surrender by a person subject to a duty of care (§ 96b StPO) against whom a prohibition on disclosure has been issued, even before a surrender order has been issued, if

- 1. the requesting foreign authority provides substantiated reasons why the provisional restriction of the rights of the persons concerned (Art. 58a para. 2 nos. 1 to 4) is necessary for the investigation of money laundering within the meaning of the Criminal Code, a predicate offense to money laundering, or an offense related to organized crime,
- 2. the person subject to due diligence and the Liechtenstein Public Prosecutor's Office have been heard and the conditions for granting mutual legal assistance are met, and
- 3. the Liechtenstein Public Prosecutor's Office has not objected to the transfer.

2) The prohibition on disclosure shall in any case be lifted when the conditions for its issuance cease to apply, at the latest after twelve months, at the same time as the persons entitled are notified of the transmission pursuant to paragraph 1. Upon reasoned request by the foreign authority, the period for lifting the prohibition on disclosure may be extended once for a maximum of twelve months, in particular due to special difficulties or the special scope of the investigation.

3) Before the provisional transmission pursuant to paragraph 1, the requesting foreign authority shall be informed of the possibility of appealing against the enforcement order yet to be issued and of the prohibition on use, and assurance shall be obtained that, in the event of a refusal to provide legal assistance, the documents provisionally transmitted and the information stored on data carriers shall be returned or destroyed

and that they shall be subject to a prohibition on use in the proceedings of the requesting State. Art. 52 para. 4 shall apply to provisional transmission.

Art. 59

Admission of foreign authorities and parties to the proceedings to acts of mutual assistance

1) The conduct of investigations and procedural acts under this Act by foreign authorities on the territory of the Principality of Liechtenstein is not permitted. However, the competent foreign judge, public prosecutor, and other persons involved in the proceedings, as well as their legal counsel, shall be granted access to the files and shall be permitted to be present and participate in mutual legal assistance measures if this appears necessary for the proper execution of the request for mutual legal assistance. The services of foreign authorities required for this purpose require the approval of the member of the government responsible for justice, except in the case of cross-border surveillance.

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2) Persons who have been permitted to be present during a mutual legal assistance procedure pursuant to paragraph 1 may not be prosecuted, punished, or have their personal freedom restricted during their stay in the country for an act committed prior to their entry. However, prosecution, punishment, or restriction of personal freedom is permissible

1. if the person admitted to the legal assistance procedure remains in the territory of the Principality of Liechtenstein for more than fifteen days after the conclusion of the legal assistance procedure, even though they could and were allowed to leave, or

2. if, after leaving the territory of the Principality of Liechtenstein, they return voluntarily or are lawfully returned.

3) If a person authorized to provide legal assistance is in custody abroad, they may be transferred at the request of the other state if the custody is based on a conviction by a competent court or if there are grounds for custody that are also recognized under Liechtenstein law. The transferred person shall be kept in custody in Liechtenstein and returned immediately after the legal assistance has been provided.

V. Transfer of criminal prosecution and supervision; enforcement of foreign criminal court decisions

A. Assumption of criminal prosecution

Art. 60

1) Requests for the assumption of criminal prosecution shall be examined provisionally by the member of the Government responsible for justice. If the request cannot give rise to criminal prosecution, the member of the Government responsible for justice shall refuse to further process the request, otherwise the request shall be forwarded to the public prosecutor's office. The member of the government responsible for justice may, at any stage of the proceedings, on its own initiative or at the request of the regional court or the public prosecutor's office, request additional documentation from the state requesting the transfer of criminal prosecution. It shall inform the requesting state of the decisions taken and the outcome of any criminal proceedings.

2) If Liechtenstein's jurisdiction is based exclusively on an intergovernmental agreement, the district court must question the suspect regarding the conditions for taking over criminal prosecution.

B. Assumption of supervision

Art. 61

Requirements

The supervision of a person who has been convicted by a foreign court and whose sentence has been suspended, who has been given a suspended sentence or preventive measure, or who has been conditionally released from a prison sentence or preventive measure involving deprivation of liberty, is permissible at the request of another state if

1. the decision of the foreign court was made in accordance with the principles of Article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms,
2. the conviction was for an act punishable under Liechtenstein law,
3. the conviction was not for one of the criminal offenses referred to in Articles 14 and 15,
4. the convicted person is not being prosecuted for the offense in Liechtenstein, has been convicted with final effect, or has been acquitted with final effect or otherwise exempted from prosecution for a reason other than lack of Liechtenstein jurisdiction, and
5. the convicted person is domiciled or resident in Liechtenstein.

Art. 62

Supervision measures

Supervision shall serve to deter the offender from committing further punishable acts. Insofar as necessary or appropriate, the measures provided for in Liechtenstein law (§§ 51 and 52 of the Criminal Code) shall be ordered, taking into account the foreign decision.

Art.

Jurisdiction and procedure

1) Requests for the assumption of supervision shall be forwarded by the Office of Justice to the district court (para. 2). If a request does not give rise to supervision for one of the reasons specified in Art. 2 and 3 para. 1, or if the request is unsuitable for lawful processing, the member of the government responsible for justice shall refuse to process the request further. At any stage of the proceedings, it may, on its own initiative or at the request of the court, require the state requesting the assumption of surveillance to supplement the documentation.

2) The district court shall be responsible for deciding on the request for surveillance and for ordering surveillance measures. The public prosecutor's office and the convicted person may appeal against this decision to the higher court within fourteen days.

3) The member of the government responsible for the justice portfolio shall notify the requesting state of the decision on the request to take over supervision through the appropriate channels and shall inform it of the measures ordered on the basis of this request and their outcome.

C. Enforcement of foreign criminal judgments

Art. 64

Requirements

1) The enforcement or further enforcement of a decision by a foreign court imposing a fine or custodial sentence, a preventive measure, or a property order that has become final is permissible at the request of another state if

1. the decision of the foreign court was rendered in accordance with the principles of Article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms,
 2. the decision was made on the basis of an act that is punishable under Liechtenstein law,
 3. the decision was not rendered for one of the criminal offenses listed in Articles 14 and 15, unless the request is for the enforcement of a property order of a foreign court for a criminal offense listed in Article 15(2),
 4. under Liechtenstein law, the enforceability would not yet have become time-barred,
 5. the person affected by the decision of the foreign court is not being prosecuted, has not been convicted or acquitted, or has not otherwise been released from prosecution for the offense in the domestic jurisdiction.
- 2) The enforcement of a decision by a foreign court imposing a custodial sentence or preventive measure is only permissible if the convicted person is a national of the country and is domiciled or resident in the country.
 - 3) The enforcement of preventive measures is only permissible if Liechtenstein law provides for a similar measure.
 - 4) The enforcement of a decision by a foreign court imposing financial penalties is only permissible if the conditions for a fine or financial penalty are met under Liechtenstein law and a corresponding domestic order has not yet been issued.
 - 5) Furthermore, the enforcement of a decision by a foreign court imposing a fine or forfeiture pursuant to Section 20 (3) of the Criminal Code is only permissible if the collection of the fine or forfeiture can be expected in Liechtenstein and the person concerned has been heard, provided that he or she can be reached.
 - 6) The enforcement of a decision by a foreign court imposing confiscation, forfeiture, forfeiture pursuant to Section 20 (1) and (2) StGB or extended forfeiture pursuant to Section 20b StGB is only permissible if the objects or assets covered by the decision are located in Germany and the person concerned has been heard, provided that he or she can be reached.

7) Fines, forfeited assets, and confiscated and seized items shall accrue to the state.

Art. 65

Domestic enforcement decision

1) If the enforcement of a foreign court decision in criminal matters is undertaken, the penalty, preventive measure, or property order to be enforced domestically shall be determined in accordance with Liechtenstein law, taking into account the measure imposed therein.

2) The person affected by the decision shall not be placed in a less favorable position by the assumption of enforcement than by enforcement in the other state.

3) Sections 38 and 66 of the Criminal Code shall apply *mutatis mutandis*.

Art. 66

Treatment of incoming requests

Requests for the enforcement of foreign criminal judgments shall be forwarded by the Office of Justice to the regional court (Art. 67 (1)). If, at the time the request is received, circumstances are already apparent that make enforcement inadmissible for one of the reasons listed in Art. 2 and 3 (1), or if the request is unsuitable for lawful treatment, the member of the government responsible for justice shall immediately reject the request. The member of the government responsible for justice may, at any stage of the proceedings, on his own initiative or at the request of the regional court, request the state requesting the transfer of enforcement to supplement the documents.

Art. 67

Jurisdiction and procedure

1) The district court shall decide on the request for enforcement and the adjustment of the sentence, preventive measure, or property order by means of a ruling. The public prosecutor's office and the person concerned may appeal against this ruling to the higher court within 14 days.

2) The member of the government responsible for the justice sector shall notify the requesting state of the decision on the request for enforcement by the prescribed means and shall inform it of the enforcement.

3) Once the enforcement of a sentence or preventive measure has been taken over, criminal proceedings may no longer be instituted for the offense on which the judgment is based.

4) The provisions of Liechtenstein law shall apply to enforcement, conditional release, and the right of pardon.

5) Enforcement shall in any case be terminated if the enforceability of the sentence or preventive measure expires under the law of the requesting State.

VI. Obtaining extradition, transit, surrender, mutual legal assistance, and the assumption of criminal prosecution, supervision, and enforcement

A. Obtaining extradition, transit, and surrender

Art. 68

Jurisdiction and procedure

1) If there are grounds for obtaining the extradition of a person located abroad for the purpose of prosecution or the enforcement of a custodial sentence or a preventive measure, the regional court shall, at the request of the public prosecutor's office, forward the documents necessary for obtaining extradition to the Office of Justice.

2) The member of the government responsible for the justice sector may refrain from seeking extradition if

1. extradition is not to be expected,
2. it is likely that only a fine or a minor or conditional prison sentence would be imposed,
3. the prison sentence to be enforced is minor, or
4. the extradition would entail disadvantages or burdens for the Principality of Liechtenstein that are disproportionate to the public interest in prosecution or enforcement.

3) The provisions of paragraphs 1 and 2 shall apply mutatis mutandis to the obtaining of transit and the surrender of objects.

Art. 69

Obtaining extradition detention

If the conditions for obtaining extradition are met, the regional court may, at the request of the public prosecutor's office, request the competent foreign court to impose extradition detention through the prescribed channels. This shall be communicated without delay to the member of the government responsible for the justice sector.

Art. 70

Speciality of extradition

1) A person who has been extradited to Liechtenstein may not, without the consent of the requested state, be prosecuted, punished, restricted in their personal liberty, or transferred to a third state for an act committed prior to their surrender that is not covered by the extradition warrant, or for one or more acts that are not subject to extradition on their own. However, the speciality of extradition does not preclude such measures if

1. the extradited person remains in the territory of the Principality of Liechtenstein for more than forty-five days after their release, even though they could and were permitted to leave it,

2. the extradited person leaves the territory of the Principality of Liechtenstein and returns voluntarily or is lawfully returned from a third country, or

3. the requested State waives compliance with the principle of speciality.

2) If the act on which the extradition is based is to be assessed differently in legal terms than in the extradition request, or if criminal law provisions other than those originally assumed are to be applied, the extradited person may only be prosecuted and punished to the extent that the extradition would also be permissible under the new circumstances.

3) If the extradition of a person convicted of several concurrent criminal offenses has been granted only for the enforcement of the part of the sentence attributable to individual criminal offenses, only that part may be enforced. The extent of the sentence to be enforced shall be determined by the regional court by order. The public prosecutor's office and the convicted person may appeal against this decision to the higher court within fourteen days.

4) The provisions of paragraphs 1 to 3 shall apply mutatis mutandis to transit.

B. Obtaining legal assistance

Art. 71

Requirements and procedure

1) Requests for legal assistance shall be addressed through the appropriate channels to the foreign court, the foreign public prosecutor's office, or the authority responsible for the execution of criminal penalties or measures in whose jurisdiction the legal assistance is to be provided. The request shall contain the facts underlying the proceedings and any other information necessary for its proper execution.

1a) The European Public Prosecutor's Office (EPPO) pursuant to Regulation (EU) 2017/1939 shall also be considered a foreign public prosecutor's office within the meaning of paragraph 1.

2) Unless mutual legal assistance is provided for directly, the member of the government responsible for justice may refrain from forwarding a request for mutual legal assistance for one of the reasons listed in Articles 2 and 3(1).

Article 72

Summons of persons from abroad

1) If it proves necessary for a person to appear in person before the court for questioning, the competent foreign court shall be requested to serve the summons by the prescribed means. The summons shall not contain any threats of coercion in the event of non-compliance.

2) The summoned person may not be prosecuted, punished, or have their personal freedom restricted in Germany for an act committed prior to their entry into the country. However, prosecution, punishment, or restriction of personal freedom is permissible

1. for a criminal offense that is the subject of the summons of a person as a defendant,
2. if, after the conclusion of the hearing, the person summoned remains in the territory of the Principality of Liechtenstein for more than fifteen days, even though they could and were allowed to leave, or
3. if, after leaving the territory of the Principality of Liechtenstein, they return voluntarily or are lawfully returned.

Art. 73

Transfer of arrested persons for the purpose of evidence

- 1) A person detained abroad may be transferred to Liechtenstein for the purpose of conducting important investigative measures, in particular for the purpose of questioning or confrontation. The provisions of Art. 59 paras. 2 and 3 shall apply mutatis mutandis.
- 2) If a person who is in investigative or criminal detention on the basis of a Liechtenstein court decision is to be transferred abroad for the purpose of an important investigative measure, in particular an interrogation or confrontation, Art. 54 shall apply mutatis mutandis. However, the consent of the person to be transferred (Art. 54 para. 1 no. 1) is not required.

C. Obtaining the transfer of criminal prosecution, supervision, and enforcement of domestic criminal convictions abroad

Art. 74

Obtaining the transfer of criminal prosecution

- 1) The member of the Government responsible for justice may request another state to initiate criminal proceedings against a person for a criminal offense that falls under Liechtenstein jurisdiction if the jurisdiction of that state appears justified and
 1. the extradition of a person located abroad cannot be obtained or is waived for another reason, or
 2. it is appropriate to try a person located in Liechtenstein in the other state in the interests of establishing the truth or for reasons of sentencing or enforcement, and if this person is extradited for another criminal offense or it can otherwise be assumed that the criminal proceedings in the other state will be conducted in the presence of this person.
- 2) If there is reason to seek the transfer of criminal prosecution, the public prosecutor's office shall report this to the member of the government responsible for justice, enclosing the necessary documents.
- 3) A request pursuant to paragraph 1 shall not be admissible if there is reason to fear that the person would be exposed to harm for one of the reasons listed in Article 19, or if the offense is punishable by death in the requested State.

4) Upon receipt of notification that criminal proceedings have been taken over in the requested state, the domestic criminal proceedings shall be suspended. If the offender has been convicted by a final judgment of the foreign court and the sentence has been fully enforced or, if it has not been enforced, has been waived, the domestic proceedings shall be discontinued.

5) Before a request for the transfer of criminal prosecution is made, the suspect must be heard if he or she is in the domestic jurisdiction.

Art. 75

Obtaining surveillance

If there is reason to request another state to monitor a person who has been placed on probation by a domestic court pursuant to Sections 43, 45, 46, or 47 of the Criminal Code or Section 8 of the Juvenile Court Act, the regional court shall forward the documents necessary to obtain the monitoring to the Office of Justice. Before requesting surveillance, the opinion of the public prosecutor's office must be obtained and the convicted person must be heard if he or she is in the country.

Art. 76

Enforcement

1) If there is reason to request another state to take over the enforcement of a final decision imposing or revoking a penalty or preventive measure or imposing a financial order, the regional court shall forward the documents necessary for obtaining the transfer of enforcement to the Office of Justice. The member of the government responsible for the justice sector shall refrain from making the request if it can be assumed that the transfer of enforcement will be refused for reasons of the kind referred to in Art. 2, Art. 3(1) or Art. 3(3)(2) and (3).

2) A request for the enforcement of a custodial sentence or preventive measure shall be admissible if

1. the convicted person is in the requested State and his extradition cannot be obtained or is not sought for another reason, or
2. the purposes of enforcement could be better achieved by enforcement or further enforcement in the requested State.

- 3) A request for the enforcement of a custodial sentence or preventive measure may not be made if
1. the convicted person is a national of the requesting State, unless he or she has his or her domicile or residence in the requested State and is present there,
 2. there is reason to fear that the sentence or preventive measure would be enforced in a manner that does not comply with the requirements of Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms,
 3. there is reason to fear that, if transferred to the requested State, the convicted person would be subject to persecution or disadvantages of the kind referred to in Article 19(3), or
 4. there is reason to fear that the convicted person would be in a significantly worse position in the other state than he would be if the sentence were enforced or further enforced in his own country.
- 4) A request to take over the enforcement of a financial penalty or a property order is admissible if recovery is likely in the requested State.
- 5) If the requested State informs the requesting State that it will take over enforcement, enforcement in the requesting State shall be suspended. If the convicted person returns to the territory of the Principality of Liechtenstein without the sentence or preventive measure ordered in the requested state on the basis of the request for enforcement having been enforced in full or without the unenforced part having been waived, the regional court shall enforce the remainder of the sentence or preventive measure. However, the district court shall refrain from subsequent enforcement and shall remit the remainder of the sentence conditionally or unconditionally or release the convicted person from the preventive measure conditionally or unconditionally, insofar as the convicted person would be worse off as a result of the enforcement than if the enforcement that took place abroad had taken place in Liechtenstein.
- 6) If the enforcement of a sentence imposed for several concurrent criminal offenses has been obtained only for the part attributable to individual criminal offenses and if the sentence is not divided in the requested State, Art. 70 para. 3 shall apply *mutatis mutandis*.

7) The provisions of Liechtenstein law on clemency shall continue to apply to the sentence or financial order to be enforced in the requested state.

8) The transfer of the convicted person to the authorities of the requested state shall be arranged by the regional court (para. 1) in accordance with Art. 36 para. 1.

9) Before a request for transfer of enforcement is made, the opinion of the public prosecutor's office must be obtained and the person concerned must be heard if he or she is in the country.

VII. Legal

protection Art. 77

Legal remedies

1) No appeal is admissible against orders issued by the member of the government responsible for the area of justice.

2) In court proceedings, the legal remedies provided for in the Code of Criminal Procedure shall apply mutatis mutandis, unless this Act provides otherwise.

3) No legal remedy is admissible against Liechtenstein requests to another state.

VIII. Transitional and final provisions

Art. 78

Transitional provision

The previous law shall apply to mutual legal assistance and extradition proceedings pending at the time of entry into force of this Act.

Art. 79

Reporting obligation

The courts and the member of the government responsible for the justice sector shall immediately inform each other of the orders they have issued in mutual legal assistance proceedings.

Art. 80

Implementing regulations

The government shall issue the regulations necessary for the implementation of this Act.

Art. 81

Repeal of previous law

The Act of November 11, 1992, on international legal assistance in criminal matters (Legal Assistance Act), LGBI. 1993 No. 68, is repealed.

Art. 82

Entry into force

This Act shall enter into force on the date of its promulgation.

V. Criminal Law Amendment Act (StRAG)

of May 20, 1987

I hereby approve the following resolution passed by the State Parliament:

Art. I

Scope

- 1) The Criminal Law Amendment Act applies to all criminal law provisions contained in existing laws and regulations issued in this regard, hereinafter referred to as ancillary criminal law provisions, insofar as these assign the punishment of unlawful and culpable acts to the courts.
- 2) The same applies to future ancillary criminal law provisions, unless otherwise specified therein.

Art.

Conflict of laws with the General Part of the Criminal Code

- 1) The General Part of the Criminal Code applies to all offenses punishable by law in ancillary criminal provisions, unless otherwise specified in the Criminal Law Amendment Act.
- 2) Section 7(1) of the Criminal Code does not apply to ancillary criminal provisions under Article I(1) insofar as they relate to misdemeanors and infractions. Unless expressly provided otherwise, both intentional and negligent acts remain punishable in these cases. In the case of future ancillary criminal provisions pursuant to Art. I para. 2, this presumption is limited to contraventions.
- 3) The general limitation periods set out in Sections 57 and 58 of the Criminal Code for the statute of limitations on prosecution apply to offenses punishable under ancillary criminal provisions only insofar as these ancillary provisions do not provide for special limitation periods.

Art. III

Classification of criminal offenses

- 1) The provisions in ancillary criminal law provisions according to which acts punishable by judicial penalty are crimes, misdemeanors, or offenses are repealed.

2) Whether an act constitutes a felony or a misdemeanor is determined by § 17 of the Criminal Code in conjunction with Article IV (5) of this Act.

3) Acts punishable under criminal law in ancillary criminal provisions that are neither crimes nor misdemeanors within the meaning of paragraph 2 shall continue to be referred to as offenses.

Art. IV

Penalties for crimes and misdemeanors

1) Crimes and misdemeanors shall be punished with imprisonment or a fine.

2) Insofar as ancillary criminal provisions threaten the type of punishment of severe imprisonment, imprisonment, strict detention, detention, or another type of imprisonment, this shall be replaced by imprisonment in accordance with § 18 of the Criminal Code for crimes and misdemeanors.

3) There shall be no increase in the term of imprisonment.

4) Insofar as a fine is to be imposed for crimes or misdemeanors under ancillary criminal provisions, it shall be calculated in daily rates within the meaning of Section 19 of the Criminal Code.

5) The previous penalties for crimes and misdemeanors are replaced by the penalties listed in Appendices 1 (crimes) and 2 (misdemeanors).

Art. V

Penalties for violations

1) Offenses are punished with fines.

2) As a special type of monetary penalty, fines are not subject to the daily rate system, but are assessed in accordance with the general principles of § 32 of the Criminal Code. When imposing a fine, particular consideration shall be given to the personal circumstances and financial capacity of the offender at the time of the first instance judgment.

3) At the same time as the fine is imposed, a substitute custodial sentence must be determined in the event of non-payment, which, unless otherwise provided by law, may not exceed six months. The substitute custodial sentence must also be assessed in accordance with the principles set out in paragraph 2 and not according to a rigid conversion formula.

4) The previous penalties for offenses are replaced by the penalties listed in Appendix 2 (Offenses section).

5) In the event of a concurrence of crimes or misdemeanors with offenses, the fine for the offenses shall be assessed separately. A subsequent conviction for offenses shall not be grounds for revoking the conditional remission of punishment or conditional release from imprisonment granted in the judgment for the crime or misdemeanor.

Art. VI

Procedure in the case of identical penalties or fines for intentional and negligent acts

1) If, in accordance with the provisions of Article II, paragraph 2, both intentional and negligent acts are subject to the same penalty in a secondary criminal provision, the maximum penalties listed in Appendix 2 shall be reduced by half in the case of negligent acts.

2) Paragraph 1 applies to the penalty of "1 year imprisonment or 360 daily fines" with the proviso that half of the upper limit is six months or 360 daily fines.

Art. VII

Use of fines and penalties

All fines and penalties shall be forfeited to the state. Other provisions on the use of fines and penalties contained in ancillary criminal law provisions shall be repealed, unless they relate to the satisfaction or securing of claims for compensation by persons harmed by the criminal offense in question.

Art. VIII

Additional penalties

1) The judicial accessory penalties contained in ancillary criminal provisions shall be repealed unless they

- a) are covered by the general part of the Criminal Code or
- b) relate to the rights of the people or
- c) can be imposed in private prosecution proceedings.

2) The same applies to the ancillary consequences of a criminal conviction occurring in ancillary criminal provisions.

3) The provisions on judicial confiscation, however this is referred to in ancillary criminal law provisions, remain unaffected.

4) The special powers of the administrative and disciplinary authorities also remain unaffected.

Art. IX

Conflict of laws with the Special Part of the Criminal Code

1) Where an offense regulated in the Special Part of the Criminal Code and an offense regulated in a supplementary provision of criminal law coincide, the supplementary provision of criminal law shall apply, unless it refers back to the Criminal Code. In this case, when applying the Criminal Code, the additional penalties or measures provided for in the ancillary criminal provision may also be imposed, provided that the conditions of Article VIII are met. Conversely, the grounds for exclusion and exemption from punishment provided for in the Special Part of the Criminal Code shall also apply if the offense is to be judged under the ancillary provision of criminal law.

2) If an offense that is regulated both in the Special Part of the Criminal Code and in an ancillary criminal provision only partially coincides, the offense shall, unless expressly provided otherwise, be judged according to the more extensive provision applicable in the individual case. Paragraph 1, second and third sentences, shall apply *mutatis mutandis*.

Art. X

References

Where laws or ordinances refer to criminal law provisions that are replaced by new provisions upon the entry into force of the Criminal Code, these references shall refer to the corresponding new provisions of the Criminal Code, including this Criminal Law Amendment Act.

Art. XI

Special provisions under international treaties

The Criminal Code, the ancillary criminal law provisions, and the relevant supplementary provisions of the Criminal Law Amendment Act shall not apply insofar and as long as international treaties provide for the application of a different law to certain criminal offenses.

Art. XII

Juvenile criminal law

Juvenile criminal law is regulated in a special adaptation act. Art. XIII

Entry into force

1) Subject to the provisions of Art. XIV, this Act shall enter into force at the same time as the Criminal Code.

2) On the date of entry into force of this Act and its annexes, all provisions in ancillary criminal law provisions that contradict the Criminal Code and the Criminal Law Adaptation Act shall cease to have effect, unless otherwise provided for in this Act. In particular, the criminal law provisions listed in Annex 3 shall be repealed insofar as they are still in force at the time of entry into force of this Act.

Art. XIV

Postponement of the entry into force of individual provisions of the Criminal Code

1) The provisions on the measures referred to in §§ 21, 22, and 23 of the Criminal Code shall enter into force as soon as their implementation is ensured by domestic institutions or international treaties.

2) The provisions on probation assistance within the meaning of Sections 50 et seq. of the Criminal Code shall enter into force as soon as the relevant institutions have been established.

3) Upon fulfillment of the conditions set forth in paragraphs 1 and 2, the government shall announce the entry into force of the provisions referred to therein in the State Law Gazette.

Art. XV

Transitional provisions

1) Sections 27, 28, 31 to 38, and 40 to 56 of the Criminal Code shall also apply to acts to which the laws in force prior to the entry into force of this Act and the Criminal Code would otherwise apply.

2) This Act and the Criminal Code shall not apply in criminal cases in which the judgment in the first instance was handed down before its entry into force. However, after such a judgment has been set aside as a result of an ordinary appeal or other legal remedy, the provisions of §§ 1 and 61 of the Criminal Code in conjunction with the preceding paragraph 1 shall apply.

3) The provisions of the Criminal Code stipulating that the perpetrator of a criminal offense may only be prosecuted upon request, application, or with the authorization of a person also apply to criminal offenses committed before the entry into force of the

Criminal Code, unless the indictment or request for punishment had already been filed at the time of entry into force.

VI. Prison Act (StVG)

of September 20, 2007

I hereby approve the following resolution passed by the State Parliament:

I. General provisions

Art. 1

Definitions; designations

1) For the purposes of this Act, the following definitions apply:

a) Criminal judgment: any decision by a criminal court imposing a custodial sentence for a criminal offense referred to the courts for adjudication;

b) Convicted person: any person who has been sentenced to imprisonment in a criminal judgment;

c) Prisoner: any convicted person serving a prison sentence imposed in a criminal judgment;

d) Detained person: any person serving a preventive measure involving deprivation of liberty;

e) Sentence: the period of time that the convicted person must serve in prison on the basis of one or more consecutive criminal judgments. Any imprisonment serving to enforce a criminal judgment is considered imprisonment. If the time to be credited towards the sentence exceeds one month, it shall be credited in months, days, and hours, otherwise in days or hours. Insofar as fractions of years, months, or weeks are to be included in the sentence that do not add up to whole years, months, or weeks, one year shall be equated to twelve months, one month to thirty days, and one week to seven days;

f) Institutional physician: a public health officer or a physician acting on his behalf who performs duties within the framework of the execution of sentences or criminal proceedings.

2) Unless expressly stated otherwise, the designations of persons, professions, and functions used in this Act shall be understood to refer to members of both the female and male sexes.

Art. 2

Application of the Act to juveniles

This Act shall apply to the execution of juvenile sentences and to the execution of preventive measures involving deprivation of liberty for juveniles only insofar as the Juvenile Court Act does not provide otherwise.

II. Order for the enforcement of criminal sentences involving imprisonment

Art. 3

Ordering enforcement

1) If a convicted person is to serve a prison sentence, the execution of the sentence shall be ordered and the state prison shall be notified of the order. At the same time as this notification or as soon as possible thereafter, a copy of the sentence shall also be sent to the prison. If the mental state of the convicted person or his or her general state of health has been examined by experts in the course of the criminal proceedings, a copy of the expert opinion shall also be enclosed with the notification.

2) If a convicted person who is at liberty does not immediately begin serving their sentence, they shall be requested in writing to begin serving their sentence in the state prison within one month of delivery. The request must contain a warning that the convicted person will be brought before the court if he fails to appear. If the convicted person does not comply with this request, his appearance to begin serving his sentence must be ordered. The bringing before the court shall also be ordered if the convicted person attempts to evade the execution of the prison sentence by fleeing, if there is reasonable concern that he will attempt to do so, or if his placement in an institution for mentally abnormal or detoxification-needing offenders or for dangerous repeat offenders has been ordered.

3) If the whereabouts of the convicted person are unknown, §§ 285 to 290 of the Code of Criminal Procedure shall apply mutatis mutandis.

4) Convicts who are already in custody to serve prison sentences shall be transferred to the prison system.

5) If one of the persons referred to in Section 112 of the Code of Criminal Procedure is to be taken into custody to serve a prison sentence, the immediate superior of that person shall be notified.

Art. 4

Refrain from enforcing a sentence due to extradition

If the convicted person is extradited to a foreign authority, the enforcement of a prison sentence imposed on him or her shall be provisionally waived, unless

there are special reasons for immediate enforcement in order to prevent others from committing criminal acts. If the extradited person returns to the country, the sentence shall be enforced. However, subsequent enforcement of the sentence shall be waived and the sentence shall be suspended in whole or in part if the convicted person has served a sentence abroad and the enforcement of the sentence would place the convicted person in a more unfavorable position than if a Liechtenstein court had ruled on all the acts.

Art. 5

Postponement of the execution of a sentence due to unsuitability for execution

1) Is imprisonment (Art. 19) due to illness or injury, disability, or any other physical or mental weakness cannot be carried out in the facilities of the institutions considered for the enforcement of custodial sentences, or if, in view of one of these conditions, the life of the convicted person would be endangered by transfer to the institution in question, the commencement of the sentence shall be postponed until the condition has ceased.

2) If the convicted person is pregnant or has given birth within the last year, the commencement of the sentence shall be postponed until the end of the eighth week after the birth and beyond that for as long as the child is in the care of the convicted person, but no longer than one year after the birth. However, the sentence shall be enforced as soon as the convicted person herself requests that the enforcement does not pose a risk to her health or that of the child and that enforcement in accordance with the nature of the prison sentence is feasible.

3) Convicts who cannot be imprisoned in accordance with paragraphs 1 or 2 shall instead be detained in accordance with the following provisions if:

a) the convicted person, based on the nature or motive of the criminal offense for which they were convicted, or based on their lifestyle

1. for the security of the state or the person, or

2. particularly dangerous to the security of property;

b) the prison sentence exceeds three years and it can be assumed that the convicted person would evade the execution of the prison sentence in the event of a postponement;

or

c) the convicted person has been ordered to be placed in an institution for mentally abnormal or rehabilitational offenders or for dangerous repeat offenders.

4) In the cases referred to in paragraph 3(a)(2) and (b), however, this detention may only be enforced if the convicted person can be treated appropriately in the institution designated for the enforcement of custodial sentences and if his life would not be endangered by transfer to that institution; in the cases referred to in paragraph 3(a)(1) or (c), however, the sentence must be served in a suitable hospital (Art. 69(2) and (3)) if necessary.

5) The provisions of this Act on the enforcement of custodial sentences shall apply mutatis mutandis to the detention replacing the custodial sentence. The custodial sentence shall be deemed to have been served in accordance with the duration of the detention.

Art. 6

Deferral of the execution of a sentence for other reasons

1) If, based on the nature and motive of the criminal offense for which he has been convicted and his lifestyle, the convicted person does not pose a particular danger to the security of the state or to persons or property, and if he has not been ordered to be placed in an institution for mentally abnormal or rehabilitational offenders or for dangerous repeat offenders, the commencement of the prison sentence shall be postponed if:

a) the length of the prison sentence to be served does not exceed three years and the convicted person requests the postponement for important personal reasons, in particular in order to remain in the country:

1. to visit a relative (Section 72 of the Criminal Code) or another person particularly close to him who is seriously ill or injured;
2. to attend the funeral of one of these persons; or
3. to deal with important family matters in connection with one of the occasions listed in paragraphs 1 and 2 or with the divorce or judicial dissolution of a registered partnership of a relative;

b) the length of the prison sentence to be served does not exceed one year at the request of the convicted person, if the postponement appears more appropriate for the future progress of the convicted person

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the convicted person, for the business in which the convicted person is employed, for the maintenance of persons entitled to maintenance from him or her, or for the redress of damage, appears more appropriate than immediate enforcement.

2) However, in the cases referred to in paragraph 1(a), the postponement may only be granted for a maximum period of one month, and in the case referred to in paragraph 1(b), only for a maximum period of one year, in all cases calculated from the date on which the convicted person would have had to commence serving the sentence without postponement. A request by the convicted person under paragraph 1(a) or (b) shall be equivalent to a request by a relative, and in the case referred to in paragraph 1(b), also to a request by the employer, if the convicted person agrees to the request.

3) The commencement of the execution of a prison sentence shall also be postponed after hearing the convicted person if and as long as, in the case of proceedings for a decision on the subsequent pronouncement of the sentence or the revocation of the conditional remission of a prison sentence, part of a prison sentence, or conditional release, the regional court decision on the subsequent imposition of the sentence or the revocation of the conditional remission of a prison sentence, part of a prison sentence, or conditional release, the regional court has not yet decided on this and, in the case of a subsequent sentence or revocation, has not also ordered the enforcement of the sentence.

4) If the court grants a postponement of enforcement pursuant to paragraph 1(b), it shall issue instructions to the convicted person (Section 51 of the Criminal Code) and appoint a probation officer (Section 52 of the Criminal Code) if this is necessary to prevent the convicted person from reoffending.

5) The postponement shall be revoked and the prison sentence shall be enforced if:

- a) the convicted person fails to comply with the court's instructions or persistently evades the influence of the probation officer;
- b) he attempts to evade the sentence by fleeing or there is reasonable concern that he will attempt to do so;
- c) there is strong suspicion that they have committed another criminal offense.

Art. 7

Jurisdiction and procedure

1) The order for enforcement (Art. 3) and the decisions pursuant to Art. 4 to 6 shall be made by the presiding judge (single judge) of the court of first instance.

2) The decisions referred to in Art. 4 to 6 shall be made by order. The public prosecutor and the convicted person may appeal against this order.

The appeal to the High Court is open. The appeal must be lodged within 14 days. The Criminal Procedure Code applies to the proceedings.

3) If a decision on a request for one of the decisions under Articles 4 to 6 cannot be made immediately, the order for the enforcement of the sentence shall be provisionally suspended until a decision is made, unless immediate enforcement is necessary to prevent others from committing criminal acts and the request is not manifestly futile.

III. Enforcement of custodial sentences

A. Penal institutions and authorities

1. Institutions for the enforcement of custodial sentences

Art. 8

Penal institutions

1) Custodial sentences imposed by a court shall be served in suitable institutions. To this end, the government may place persons serving custodial sentences in a foreign institution. Intergovernmental agreements shall remain reserved.

2) Institutions shall be run in such a way that male and female prisoners held in the same institution are kept separate from each other. Insofar as certain prisoners are to be held in special facilities within the institutions, individual accommodation in a specially secured cell (Art. 96 para. 2 lit. e), detention in a special single room (Art. 108 para. 1) and isolation in a special single room (Art. 110 para. 2) may nevertheless be carried out in rooms that are otherwise also intended for other prisoners.

2. Enforcement authorities, supervision, and data protection

Art. 9

Enforcement authority of first instance

1) The enforcement authority of first instance is the prison director.

2) In accordance with the provisions of this Act, the prison governor is responsible for supervising the execution of sentences in the state prison and for deciding on complaints against prison officers or their orders.

3) The prison director must provide the government with all information necessary for the exercise of its supervisory powers. He must also inform the government immediately of any complaints or special incidents in the state prison.

Legal protection

The decision on complaints against the prison director or against a decision or order made by him shall be taken by the Complaints Commission for Administrative Matters.

Government supervision

The government shall be responsible for supervising the entire execution of sentences. Art. 12

Data processing

The prison administration may process or have processed personal data, including data revealing ethnic origin or religious beliefs, health data, and personal data relating to criminal convictions and offenses of prisoners, insofar as this is necessary for the performance of its duties under this Act.

Data transfer

The transfer of data pursuant to Art. 12 between the state prison, the state police, the government, the prison doctor, the courts, the public prosecutor's office, and the probation service, as well as with other agencies, is only permitted if this data is required for the fulfillment of a legal task under this or another law and the submission of the data is necessary for this purpose.

Deletion of personal data

1) Data pursuant to Art. 12 shall be deleted as follows, with the exception of the data specified in paragraphs 2 to 4:

- a) in the case of remand prisoners, after ten years from the date on which a notification of a decision terminating the proceedings was received by the state prison, rendering the retention of the data unnecessary;
- b) for prisoners who have been sentenced to a term of imprisonment, after ten years from the date on which the imprisonment ended;
- c) in the case of mentally abnormal offenders under Section 21 (1) of the Criminal Code, after eighteen years from the date on which the placement ended;

d) in the case of other detentions, after ten years from the date on which the detention ended.

2) If a person has been imprisoned or detained several times, the data that has not yet been deleted by the start of the last detention shall be deleted together with the data from the last detention only at the end of the longest period for the deletion of data.

3) Only 80 years after the date specified in paragraph 1 shall the following be deleted:

- a) Surname and first name;
- b) Date and place of birth; and
- c) Type and period of detention.

4) Data pursuant to Art. 12 relating to prisoners sentenced to life imprisonment shall only be deleted 80 years after the end of the prison sentence.

3. Enforcement court

Article 15

Jurisdiction

1) The regional court, as the enforcement court, decides on:

- a) the contribution of the convicted person to the costs of the execution of the sentence (Art. 28);
- b) the forfeiture of money and objects (Art. 34);
- c) the interruption of a prison sentence, the revocation and non-inclusion of time spent outside of prison in the sentence (Art. 91);
- d) the non-inclusion of the time spent on leave or outside the prison in the sentence (Art. 92 and 129a);
- e) the maintenance of the security measure provided for in Art. 96 para. 2 lit. e if it lasts longer than one week;
- f) maintaining one of the security measures provided for in Art. 96 para. 2 lit. f if it lasts more than 48 hours;
- g) the non-inclusion of time spent under house arrest in the sentence (Art. 109);
- h) the detention of a prisoner in solitary confinement against his will, if this lasts for more than four weeks (Art. 119);
- i) the subsequent postponement of the execution of a sentence (Art. 126);

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k) conditional release and related orders, the revocation of conditional release, and the fact that conditional release has become final, unless otherwise specified in Art. 154 (§§ 46, 48 to 53, and 56 of the Criminal Code).

2) In the cases referred to in paragraph 1, letters a to i, the decision shall be made by a single judge. In the case of para. 1 lit. k, it shall be made by the criminal court, but if it concerns exclusively the enforcement of a custodial sentence imposed in proceedings in which a single judge ruled in the first instance, or exclusively the issuance of instructions, the appointment of a probation officer, or final release, it shall be made by a single judge.

Art. 16

Court proceedings

1) Before making any decision, the court must obtain statements from the prison governor, the public prosecutor, and the convicted person.

2) If the facts of the case appear insufficiently clear with regard to the state of health or character of the convicted person, the doctor or psychologist working at the state prison and, if necessary, other medical or psychological experts shall also be consulted before a decision is made.

3) The court shall decide by means of a ruling. This ruling shall always be communicated to the convicted person. Upon request, a copy of the ruling shall also be sent to their legal counsel.

4) The public prosecutor's office and the convicted person may appeal against the decision to the High Court. The appeal must be lodged within 14 days. If the convicted person has requested that a copy of the decision be sent to their legal counsel, the time limit for lodging an appeal shall run from the date of such delivery. The Code of Criminal Procedure shall apply to the proceedings.

4. Enforcement Commission

Art. 17

1) The government appoints a commission for a term of four years, whose members are not bound by any instructions in the exercise of their functions. The commission shall ensure that the regulations governing the execution of sentences, in particular the treatment of prisoners, are strictly observed.

- 2) The commission shall consist of five members, who shall elect a chairperson and a deputy chairperson from among their number for each year of their term of office.
- 3) Only persons who are capable of acting and trustworthy may be appointed as members. At least two of the members may not be in the service of the state administration, and at least two must be women. When appointing members, particular attention shall be paid to persons who can be expected to have an understanding of the enforcement of prison sentences.
- 4) The commission may only act in the presence of the chairperson and at least three other members.
- 5) The commission must visit the state prison once every quarter without prior notice. The commission is free to carry out additional visits. Upon request, the state prison must provide the commission with the necessary information about prisoners and grant access to prison records. The commission is entitled to speak with inmates at the state prison without the presence of other persons.
- 6) After each visit to the state prison, the commission must report in writing to the government on its activities within 14 days and, if it deems it necessary, make suggestions.
- 7) In performing their duties, members are treated as civil servants within the meaning of Section 74(4) of the Criminal Code. They are bound by official secrecy and are not obliged to disclose the identity of a source of information or to report behavior that is punishable by law.
- 8) Expense allowances are governed by the law on the remuneration of members of the government and commissions, as well as part-time judges and ad hoc judges. The decision on entitlement is made by the government.
- 9) Members who abuse their office shall be removed from office by the government.

5. Enforcement documents

Art. 18

- 1) A register of all prisoners shall be kept in the state prison.
- 2) All documents relating to the same prisoner shall be combined to form that prisoner's personal file.

B. Principles of the penal system

1. General principles

Art. 19

Purpose of the penal system

1) The enforcement of custodial sentences shall help convicted persons to adopt a righteous attitude to life that is adapted to the requirements of community life and shall deter them from pursuing harmful tendencies. Enforcement shall also demonstrate the reprehensible nature of the behavior underlying the conviction.

2) In order to achieve these purposes and to maintain security and order in the institution, prisoners shall be isolated from the outside world, subjected to other restrictions on their lifestyle, and influenced through educational measures in accordance with the provisions of this Act and the regulations based on it.

3) If pretrial detention is not imposed or maintained solely because the accused is serving a prison sentence, the restrictions on the prisoner's contact with the outside world provided for in the enforcement of prison sentences shall be waived for as long and to the extent as required by the purpose of pretrial detention in the individual case.

Art. 20

Confinement

1) Unless otherwise specified in this Act, prisoners may not leave the institution for the enforcement of custodial sentences until their release, may only perform outside work under supervision, and may not communicate with persons outside the state prison.

2) The nature and extent of contact between persons working in the prison system, other persons working for the institution, public administration employees, contractors, other private clients (Art. 42 para. 2) and their employees on the one hand, and prisoners on the other, shall be determined by the purposes of the prison system.

Art. 21

Treatment of prisoners

1) Prisoners shall be treated with calmness, seriousness, and firmness, fairly and with respect for their sense of honor and human dignity. They shall be addressed with "Sie"

and, when addressing an individual prisoner by their surname, with "Mr." or "Ms." and that name.

2) Restrictions may only be imposed on prisoners or privileges and relaxations of the prison regime granted in accordance with the law.

3) All orders and decisions made in the penal system outside of court proceedings shall, unless otherwise specified below, be made without formal proceedings and without issuing a ruling; however, where necessary, the essential content of the order or decision shall be recorded in the prisoner's personnel file. In the cases referred to in Articles 110 and 115, however, the prison director or the prison officer specially assigned to this task shall conduct an investigation and issue a decision. All orders and decisions issued in the prison system, including orders, shall be communicated to prisoners orally. Prisoners shall only have the right to request a written copy of the decision in the cases referred to in Articles 16, 110, and 115.

4) Where necessary, prisoners shall be informed of the content and meaning of any measure taken or to be taken in respect of them and shall be instructed in the performance of their duties.

Art. 22

Privileges

1) Prisoners who demonstrate that they are cooperating in achieving the objectives of the prison system shall be granted appropriate privileges upon request.

2) Only those deviations from the general type of imprisonment specified in this Act may be permitted as privileges which do not impair the purposes of such imprisonment (Art. 19), in particular those which promote the prisoner's preparation for a law-abiding life in freedom.

3) The granting, restriction, and withdrawal of privileges shall be decided by the prison director, notwithstanding the provisions of this Act on the procedure for administrative offenses and complaints.

4) If a prisoner abuses the privileges granted to him or otherwise fails to meet the conditions under which they were granted, the privileges shall be restricted or withdrawn. Art. 23

House rules

1) The prison director shall issue orders concerning visiting hours (Art. 85 (1)), the oral submission of requests and complaints (Art. 113 and 114 para. 2) and other general orders concerning the execution of sentences, insofar as they relate to the behavior of prisoners and are not of a merely temporary nature, in a set of house rules. The house rules require the approval of the government.

2) A copy of the house rules and the provisions of this Act relating to the conduct of prisoners shall be displayed in each cell.

Art. 24

General obligations of prisoners

1) Prisoners must comply with the instructions of prison staff. They may only refuse to comply with instructions if the instruction violates criminal law or if compliance would violate criminal law or clearly violate human dignity.

2) Prisoners must refrain from any behavior that could jeopardize security and order in the institution or otherwise undermine the principles of the prison system. They must behave in a manner befitting their status.

3) Prisoners may not leave the rooms assigned to them without permission or change their places at work, during outdoor exercise, in the communal sleeping quarters, or in other assigned areas. They must adhere to the daily schedule.

4) Prisoners shall do their utmost to support efforts aimed at teaching them a righteous attitude to life and reintegrating them into community life.

Art. 25

Prohibition of self-harm and tattooing

1) Prisoners may not injure themselves or damage their health in order to make themselves unfit to perform their duties; nor may they allow themselves to be injured or harmed by another person for this purpose.

2) Tattooing is prohibited. Art.

26

Prohibition of business and gambling

1) Prisoners may not conduct business with persons working in the prison system or with other prisoners or remand prisoners held in the state prison.

2) Prisoners may not participate in lotteries or other games of chance.

3) Unless otherwise specified in this law and provided that there is no risk of jeopardizing the order of the prison system, prisoners may accept food and luxury items of low value as gifts; the decision on this matter rests with the prison director or the prison officer directly supervising the prisoner who has been authorized by the director to do so.

Art. 27

Maintenance

1) The state prison shall provide for the maintenance of prisoners in accordance with the provisions of this Act.

2) Insofar as prisoners are permitted to obtain goods or services in return for payment, they may only use their pocket money for this purpose, except in the cases specified in this Act.

Art. 28

Costs of imprisonment

1) Unless otherwise specified below, every convicted person shall contribute to the costs of imprisonment for their maintenance (Art. 27 para. 1).

2) If the prisoner receives remuneration for work, the contribution to costs shall amount to up to 75% of the respective remuneration for work, depending on the specific assignment, or otherwise half the daily rate of remuneration for domestic workers in accordance with the standard employment contract for each day of the sentence.

3) The collection of a contribution to costs pursuant to para. 2, first case, shall be effected by deduction from the remuneration for work.

4) The obligation to pay a contribution to costs in accordance with paragraph 2, second case, does not apply if the prisoner is not guilty of intentional or grossly negligent misconduct in failing to perform any or satisfactory work, or if the collection of the contribution to costs is not possible in accordance with § 308 of the Code of Criminal Procedure.

5) If the prison director is of the opinion that the convicted person's obligation to contribute to the costs pursuant to paragraph 2, second case, does not lapse in accordance with paragraph 4, he shall submit an application to the enforcement court for the determination of a contribution to the costs within eight days of release. The enforcement court shall decide on this application within one month (Art. 15 para. 1 lit. a).

Art. 29

Compensation for special expenses and damage to institutional property

1) If a prisoner causes special expenses by escaping, intentionally harming himself or causing culpable damage to institutional property, he shall be required to reimburse these expenses.

2) In order to secure the claim for compensation, the state shall have a right of retention over the prisoner's property even before a decision on the claim has been made. The right of retention is subject to the same restrictions that apply to the collection of the amounts to be secured.

Art. 30

Possession of objects

1) Prisoners may not have in their possession any money or objects other than those left with them on admission or subsequently provided to them in accordance with the regulations.

2) Except in the cases otherwise specified in this Act, prisoners may only be given their own items that would have been left with them upon admission (Art. 125 para. 2).

3) All items given to prisoners must be recorded. If there is reason to fear misuse, the items must be taken back.

Art. 31

Procurement of essential items

1) Notwithstanding Art. 106 para. 2 and Art. 108 para. 2, prisoners are entitled to purchase food and luxury items approved by the prison governor, as well as personal hygiene products and other simple items of daily necessity, once a week at their own expense through the state prison. Intoxicating substances may not be permitted; alcohol-based personal hygiene products may only be permitted if there is no risk of abuse.

2) After admission or a change of place of imprisonment, every prisoner shall be allowed to make an initial purchase of such items of daily necessity in reasonable quantities, including using his own money. If the prisoner does not have the necessary funds himself, he shall be granted an advance on request, which shall be offset by deducting appropriate amounts from his pocket money.

Art. 32

Treatment of institutional property

Prisoners shall keep the prison rooms and facilities they use clean and tidy and shall treat the prison property entrusted to them and the items they use in the performance of their assigned work with care, maintaining them as necessary and using them only for their intended purpose.

Art. 33

Duty to report

1) Any prisoner who falls ill, is injured, or is infested with vermin must report this immediately.

2) Similarly, any prisoner who becomes aware of anything that could pose a serious threat to the physical safety of persons or to the items specified in Art. 32 is obliged to report this immediately if he can do so easily and without exposing himself to danger.

Article 34

Forfeiture of money and objects

1) If money or objects are discovered in the possession of a prisoner that have not been duly entrusted to him, the money and objects shall be declared forfeited to the state, unless third parties can prove ownership protected under Art. 512 ff. of the law of property and they are not

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no fault can be attributed to them for the prohibited possession. The same procedure shall be followed if money or objects hidden in the state prison (Art. 444 of the Property Law) or items that are obviously intended to be given to a prisoner contrary to the provisions of this law are discovered.

2) The decision on forfeiture rests with the enforcement court (Art. 15 para. 1 lit. b).

2. Food, clothing, and accommodation

Art. 35

Food

1) Prisoners shall be provided with adequate simple prison food. The food must be in accordance with nutritional science and be palatable; it shall be served at the usual times of day for meals.

2) With regard to meals, consideration shall be given to providing prisoners who perform work with more substantial meals, to deviations from the general diet prescribed by the prison doctor for individual prisoners due to their state of health, and to dietary requirements in accordance with the prisoners' religious beliefs; If it is not possible to take these dietary requirements into account in the facilities of the state prison, prisoners shall be allowed to obtain meals from third parties that comply with these requirements, taking into account the type and quantity of institutional food.

Art. 36

Clothing

1) Prisoners shall wear their own clothes. They shall be responsible for cleaning, repairing, and regularly changing their clothes at their own expense. If they fail to do so or are unable to do so, they shall be provided with prison clothing, which they shall be obliged to wear.

2) Bedding and towels shall be provided by the state prison. Art. 37

Accommodation

1) Prisoners shall be accommodated in simple and functional rooms with sufficient air space and daylight. Non-smokers

should not be accommodated together with smokers in a detention room, unless they expressly agree to shared accommodation. The detention rooms must be well ventilated and adequately heated during the cold season.

2) Prisoners shall be entitled to decorate their cells as they wish, in particular with flowers and pictures, provided that this does not compromise security and order in the institution.

3) After dark, detention rooms shall be lit outside of quiet hours in such a way that prisoners can read and work without endangering their eyesight. Prisoners are entitled to use electric lamps that can be switched on and off in their cells, especially if they only illuminate the individual cell, even during quiet hours, provided that this does not unreasonably disturb other prisoners and there is no risk of misuse.

Art. 38

Detention

1) Items that are taken from prisoners upon admission or that arrive later but are not given to them must be recorded and stored. Items that require special precautions or premises for safe storage shall be refused. The same shall apply, without prejudice to Art. 35 (2) and Art. 82 (2), to items that are subject to spoilage. If the prisoner does not need the items taken from him upon admission or those that arrive for him later and are kept by the state prison even upon release, and if the sentence exceeds three months, the prisoner shall be requested to designate a person so that the items can be delivered to that person as soon as possible. If it only becomes apparent after an item has been accepted that it should have been rejected, the prisoner shall be requested immediately, regardless of the length of their sentence, to name a recipient. In both cases, the prisoner shall be informed that the items will otherwise be sold for their benefit or, if they are unusable, destroyed.

2) Money that prisoners have with them upon admission or that is received on their behalf at a later date shall be credited to them as their own money. If the sentence exceeds

three months, foreign currency shall be converted into domestic currency before being credited.

3) Prisoners may dispose of the items held in custody and their personal funds at any time, provided that this does not conflict with the existing rights of others, including the right of retention under Art. 28 of this Act and Art. 115 of the transitional provisions on property law. Personal funds held in custody up to the amount of that part of the prisoner's earnings which is not subject to attachment under Art. 211 of the Enforcement Code may only be attached in favor of claims for compensation for damage intentionally caused to institutional property (Art. 29). Upon release, the prisoner shall be given back the items and money, unless otherwise specified above.

4) Documents that cannot be sold, destroyed, or handed over in accordance with the above provisions shall be sold by the prison governor in the manner prescribed in § 268 of the Code of Criminal Procedure; § 270 of the Code of Criminal Procedure shall apply *mutatis mutandis*. Personal documents shall be added to the personnel files. They shall not be handed over if and as long as there are facts justifying the assumption that the convicted person intends to use the documents to evade criminal prosecution or enforcement of a sentence pending against him in the country for a criminal offense punishable by more than six months' imprisonment.

Art. 39

Hygiene

1) The state prison must be kept clean.

2) Prisoners must maintain their bodies in a manner required by health and cleanliness. When monitoring personal hygiene, honor and human dignity must be preserved. If there is a risk of danger or abuse, haircuts and shaving must take place in the presence of a prison officer. If, despite being instructed to do so, a prisoner refuses to maintain his or her personal hygiene or to allow it to be maintained, thereby causing disgust or endangering his or her own health or that of others, he or she shall be subjected to compulsory personal hygiene to the extent necessary to remedy this situation.

3) Prisoners must be given enough warm water every day to enable them to wash thoroughly. In addition, they must be given the opportunity to take a warm shower or bath as often as necessary,

but at least twice a week.

4) The sanitary facilities must be hygienic and designed in such a way that prisoners can attend to their needs in a clean and decent manner at all times.

Art. 40

Outdoor exercise

Weather permitting, prisoners who do not work outdoors are allowed to exercise outdoors for one hour every day, while other prisoners are allowed to do so on days when they are not working. Outdoor exercise shall be extended if this is possible without disrupting other duties and order in the state prison. During the time designated for outdoor exercise, sporting activities shall be permitted insofar as this is possible with the facilities available and appears appropriate given the age and state of health of the prisoners. Prisoners who, according to the prison doctor's statement, are unable to participate in outdoor exercise due to their condition or whose health would be endangered by participation, shall not be allowed to exercise outdoors; however, if their condition permits, outdoor recreation shall be substituted for exercise.

3. Work

Art. 41

Obligation to work

- 1) Every prisoner who is capable of working is obliged to perform work.
- 2) Prisoners who are required to work must perform the tasks assigned to them. Prisoners may not be required to perform work that poses a risk to their life or health.

Art. 42

Provision of work

- 1) Provisions must be made to ensure that every prisoner can perform useful work.
- 2) All work arising in the operation of the state prison that can be performed by prisoners shall be performed by prisoners. In addition

, prisoners shall be employed in other work for the public administration, in community service or in the production of goods for sale, as well as in work for commercial enterprises or other private clients.

Art. 43

Consideration for the national economy

1) The prices of items produced by prisoners shall be adjusted to the usual prices for items of the same type and quality, and the remuneration to be paid to the institution for the work of prisoners shall be adjusted to the usual wages for work of the same type and quality.

2) Businesses that serve to produce goods for distribution or in which work is performed for commercial enterprises may only be established in the institution to the extent that this is justified on economic grounds.

3) The state prison may conclude contracts for prisoner labor for third parties.

Art. 44

Assignment of work

1) When assigning work, appropriate consideration shall be given to the prisoner's state of health, age, knowledge and skills, the length of the sentence, the prisoner's behavior during imprisonment and his prospects after release, and finally also to his inclinations. The type of employment may only be changed if this is necessary for the economical, efficient, and appropriate management of the state prison.

2) Prisoners who behave well and who are not likely to abuse their position shall be assigned to domestic work.

3) Prisoners may not be assigned work that gives them insight into the personal circumstances of other persons or into personnel, court, or administrative files.

4) Only prisoners who are not likely to abuse the relaxation of the prison regime associated with outside work may be assigned to work outside the state prison.

Art. 45

Work facilities

1) Work facilities shall be equipped in a modern manner.

- 2) Work involving increased dust formation may not be carried out in sleeping quarters; other work may only be carried out if there is no risk to the health of the prisoners.
- 3) The general regulations for the protection of the life, health, and physical safety of employees apply *mutatis mutandis* to the work equipment to be used by prisoners and the work processes to be carried out, unless otherwise specified in these regulations or in the provisions of this Act.

Art. 46

Working hours and work performance

- 1) The amount of working time and rest periods shall be aligned as far as possible with the conditions customary in the economy, but in the case of agricultural and forestry work, with the conditions customary in agriculture and forestry. However, the maximum working time permitted by law may not be exceeded, without prejudice to the right referred to in Art. 57.
- 2) Insofar as the nature of the work permits, the prison director shall determine the work performance to be rendered by a prisoner on a working day, taking into account the average performance of a free worker and the working conditions in the state prison.
- 3) On Sundays and public holidays, work must cease unless it is necessary for the institution's economy or for other urgent needs of the institution, or because the nature of the work does not allow for interruption. With the same restriction, prisoners may not be employed at other times when their religious beliefs require them to rest from work.

Art. 47

Work output and remuneration

- 1) The proceeds of the work shall accrue to the state.
- 2) Prisoners who perform satisfactory work shall receive remuneration for the work they have done.
- 3) If a prisoner's work performance is unsatisfactory due to malice, wilfulness, or laziness, remuneration for work shall be reduced or withdrawn to an extent commensurate with the reduction in performance, following a prior warning.

Unemployment insurance

- 1) Prisoners who fulfill their work obligations are insured in accordance with the provisions of the Unemployment Insurance Act.
- 2) The minimum assessment basis is the remuneration for domestic workers in accordance with the standard employment contract.
- 3) The insurance periods must be certified in writing to the prisoner by the state prison upon release.

Household allowance and reserve

Art. 49

a) Principle

- 1) The remuneration for work shall be credited to the prisoner monthly in arrears, after deduction of the contribution to the costs of imprisonment (Art. 28 para. 2 first case and para. 3) and the prisoner's share of the unemployment insurance contribution, half as household allowance and half as reserve. The amount of remuneration for work at the time of crediting shall be decisive for the calculation of the housekeeping allowance. The calculation of the reserve shall be based on the amount of remuneration for work at the time of payment or use.
- 2) Notwithstanding Articles 50, 106(2), and 108(2), prisoners may use their personal funds to purchase goods and services in accordance with the provisions of this Act. Notwithstanding Article 50, the reserve fund shall be used to provide for the prisoner's maintenance in the initial period after release.
- 3) If the prisoner is unable to receive remuneration for work through no fault of his own or through gross negligence, he shall be credited monthly in arrears with an amount equal to 5% of half the daily rate of remuneration for domestic workers in accordance with the standard employment contract as household allowance.
- 4) Prisoners shall be allowed to inspect their credit balance at least once every three months and upon release.
- 5) Upon release, the prisoner shall be paid any amounts credited as household allowance and reserves. If the prisoner dies, the claims to these amounts shall fall to his estate.
- 6) The Enforcement Ordinance regulates the extent to which claims for remuneration for work and amounts arising therefrom may be transferred, seized, or pledged. Paragraph 2 and Articles 50 and 107 remain unaffected.

Article 50

b) Use for special purposes

- 1) Prisoners may also use their pocket money and half of their reserves to make payments to dependents or to persons whose rights have been violated by the criminal offense, as well as to repay debts.
- 2) Prisoners shall be informed of the possible uses of pocket money and reserves under paragraph 1 and shall be instructed and supported in making sensible use of them in accordance with the existing facilities.
- 3) Except in the cases referred to in paragraph 1 and Article 49(2), prisoners may also use their pocket money and reserves in prison for purchases that will help them get ahead after their release. The decision on this rests with the prison governor.

Art. 51

Financial reward

A prisoner who distinguishes himself through particular personal commitment or who provides inspiration may be credited with a monetary reward.

4. Educational support and activities for prisoners in their free time

Art. 52

Educational support

- 1) In implementing all measures of the prison system, an educational influence on prisoners should be sought. In addition, prisoners should receive special educational support in individual and group discussions and in other appropriate ways.
- 2) Prisoners for whom this appears appropriate in order to achieve the educational purpose of the prison sentence (Art. 19 para. 1) shall also receive psychotherapeutic care and support for their mental health, provided that this does not conflict with the principles of economical, efficient, and appropriate administration.

Art. 53

Education and training

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1) Provision shall be made to ensure that prisoners who lack the knowledge and skills taught in primary schools can receive the necessary instruction, provided that this does not conflict with the principles of economical, efficient, and appropriate administration. Under the same conditions, regular continuing education courses shall be held in the institutions for suitable prisoners.

2) Prisoners may participate in distance learning courses. They may also use funds for this purpose that would otherwise not be available to them in prison. In the event of abuse, further participation in the course shall be prohibited.

3) Classes and activities related to participation in distance learning courses shall be conducted during non-working hours.

Art. 54

Employment of prisoners in their free time

1) Prisoners shall be encouraged to make good use of their free time and, if necessary, given guidance in this regard. To this end, they shall be given the opportunity to read, listen to radio and watch television, engage in sporting activities or, without prejudice to Article 26(2), play board games.

2) Insofar as the conditions of the institution allow, without compromising the service and security and order, prisoners shall be entitled to obtain their own books and magazines (Article 56), to work in their free time (Article 57), keep written records (Art. 58), and draw and paint (Art. 59).

Art. 55

Prison library

A library shall be set up in the state prison from which prisoners may borrow books.

Art. 56

Own books and magazines

1) Prisoners may purchase books and subscribe to newspapers or magazines at their own expense for the purpose of further education or entertainment, provided that this does not jeopardize security and order in the institution or the educational purpose of the sentence. Prisoners may also use funds that would otherwise be unavailable to them for the purchase of books for further education to obtain books that serve their further education.

books for educational purposes, prisoners may also use funds that would otherwise not be available to them for the provision of services within the prison system.

2) Newspapers and magazines may only be obtained through the institution. The institution shall withhold individual issues or parts thereof which could pose a threat of the kind referred to in paragraph 1, or render them unrecognizable in a manner consistent with the principle of economic efficiency. Newspapers that have been handed out to prisoners shall be left with them for at least one week and then taken back; upon collection, they shall become the property of the state.

Art. 57

Work during leisure time

During their free time, prisoners may perform work of the type specified in Art. 42 (2) second sentence on behalf of the state (Art. 47) or for charitable purposes. They may also make items for themselves and their relatives that are intended for personal use. Work that would jeopardize security and order in the institution or cause inconvenience to fellow prisoners is prohibited.

Article 58

Written records

Prisoners may keep personal records in their free time. If there is reason to fear misuse based on certain facts, the prison director or a prison officer specially appointed by him may inspect these records; if such fears are confirmed, the records shall be taken from the prisoner. In this case, they shall be added to the personnel files and handed over to the prisoner upon his release, unless there is reason to fear that the released prisoner will use them for the purpose of committing a criminal offense.

Art. 59

Drawing and painting

Prisoners are entitled to draw, paint, or engage in other artistic activities to a reasonable extent during their free time.

Art. 60

Common provisions

1) The items required for the exercise of the rights referred to in Articles 58 and 59 shall be procured by the state prison at the prisoner's expense. Prisoners may also use funds for this purpose that are not otherwise available to them for the procurement of services in the prison system.

2) The prisoner's records and products of artistic activity shall be left in his possession at his request, unless there is reason to fear misuse or disruption of order in the prison cell. Otherwise, they shall be treated as deposits, without prejudice to the last sentence of Article 58. Insofar as they relate directly to a criminal offense committed by the prisoner, their sale during imprisonment requires the approval of the government.

3) Paragraphs 1 and 2 shall apply *mutatis mutandis* to items which prisoners make for themselves or their relatives in exercising the right referred to in Article 57.

Article 61

Foreign-language prisoners

In the educational supervision and occupation of prisoners, in particular in the equipping of the library, the procurement of books and magazines, and the holding of further education and language courses as well as events, the needs of prisoners whose native language is not German shall also be taken into account as far as possible.

5. Medical care

Art. 62

Health care

1) Care shall be taken to maintain the physical and mental health of prisoners. The state of health and body weight of prisoners shall be monitored.

2) Prisoners affected by infectious diseases and infested with vermin shall be isolated. Objects that have been used by them shall be disinfected or fumigated; if this is not possible or feasible, these objects shall be destroyed regardless of who they belong to. Rooms in which such prisoners have stayed or which are infested with vermin shall be disinfected or fumigated.

Art. 63

Prohibition of medical experiments

The performance of a medical experiment on a prisoner is also inadmissible if the prisoner has given his consent.

Art. 64

Health and accident insurance

The government shall take out the necessary collective and individual insurance policies to protect prisoners against the consequences of illness and accidents.

Art. 65

Illness of prisoners

1) If a prisoner reports sick, has suffered an accident or been injured in any other way, has attempted suicide or self-harm, or if his appearance or behavior otherwise suggests that he is physically or mentally ill, the prison doctor must be notified.

2) In such cases, the prison doctor must examine the prisoner and ensure that he receives the necessary medical treatment and care, including specialist treatment if necessary. He must also determine whether the prisoner is ill, whether he is bedridden, where he should be accommodated, and whether and to what extent he is able to work.

Art. 66

Detoxification treatment of a prisoner

1) A prisoner shall undergo withdrawal treatment if:

a) according to the prison doctor's statement, the prisoner is addicted to the abuse of intoxicating substances or narcotics and the treatment is appropriate in view of the length of the prison sentence; or

b) the sentence is more than two years and it is only for this reason that the prisoner has not been admitted to an institution for offenders in need of rehabilitation (§ 22 of the Criminal Code).

2) The initiation or continuation of withdrawal treatment shall be refrained from if the attempt at such treatment appears futile from the outset or if its continuation is unlikely to be successful.

Art. 67

Compulsory examination, compulsory treatment, and compulsory feeding

1) If, despite being informed of the circumstances, a prisoner refuses to cooperate with a medical examination or treatment that is absolutely necessary in the circumstances of the case, he shall be subjected to these measures by force, provided that this does not involve a risk to his life and is otherwise reasonable. Any intervention that, based on its external characteristics, would be considered grievous bodily harm (Section 84(1) of the Criminal Code) is equivalent to an unreasonable examination or medical treatment. Unless there is imminent danger, the government's approval must be obtained before any compulsory examination or medical treatment is ordered.

2) If a prisoner persistently refuses to eat, he shall be placed under medical observation. As soon as necessary, he shall be forcibly fed in accordance with the doctor's instructions and under his supervision.

Art. 68

Consultation of another physician

If the prison doctor cannot be reached, another doctor must be called in urgent cases. Another doctor must also be consulted if the prison doctor considers this appropriate due to the nature and severity of the case, or if the prisoner requests this due to suspicion of a serious illness and covers the costs; the prisoner may also use funds that are not otherwise available to him for the provision of services in the prison system to cover these costs. The prison doctor must be informed of the consultation of another doctor.

Art. 69

Transfer to another institution

1) If a sick or injured prisoner cannot be treated appropriately in the state prison or poses an unavoidable threat to the health of others, he or she shall be transferred to a suitable institution that has the facilities to provide the necessary treatment or isolation.

2) If the prisoner cannot be treated appropriately in another institution either, or if his life would be endangered by transfer there, he shall be taken to a suitable hospital and, if necessary, guarded there. The Liechtenstein National Hospital is obliged to admit the prisoner and allow him to be guarded.

3) In the event of transfer to a psychiatric clinic, the provisions of the Social Welfare Act shall apply.

Art. 70

Notifications

1) Any illness or injury of a prisoner that is life-threatening or even subject to limited reporting or notification requirements, as well as any suspicion of such an illness or injury, must be reported to the prison governor.

2) If a prisoner is unable to inform his relatives that he is seriously ill or injured, the prison governor shall be responsible for doing so. The person to be notified shall be the person designated by the prisoner; However, if the prisoner has not designated a specific person, the next person in the following list whose whereabouts are known shall be notified: the prisoner's spouse or registered partner, his or her oldest child of legal age, his or her father, mother, or the closest of his or her other relatives of legal age (Section 72 of the Criminal Code), but the oldest. A person who is not resident in Germany shall only be notified if none of the persons who could be considered are resident in Germany. At the prisoner's request, the prison governor shall also notify other persons.

3) The provision of paragraph 2 applies mutatis mutandis in the event of the death of a prisoner.

Art. 71

Dental treatment and dentures

1) Prisoners shall be provided with necessary dental treatment. Conservative dental treatment shall be provided in a simple form, unless the prisoner requests a special treatment at his own expense.

2) Dental prostheses shall in principle only be provided at the prisoner's expense. However, if the prisoner does not have the necessary funds (para. 3) and the manufacture or alteration of the dental prosthesis cannot be postponed until his release without endangering his health, the costs shall be borne by the state.

3) To cover the costs that may be incurred by the prisoner in accordance with the above paragraphs, he or she may also use funds that would otherwise not be available to him or her for the provision of services in the prison system.

Transfer of claims for damages

If, as a result of an event that caused the illness or injury of a prisoner, the state has provided services or borne costs in accordance with the provisions of this subsection and the prisoner is entitled to claims for damages against a third party on the basis of the event, these claims shall be transferred to the state up to the amount of the expenses incurred by the state. Art. 73

Pregnancy

- 1) The provisions of this Act concerning the care of sick or injured prisoners shall apply mutatis mutandis to the care of pregnant prisoners or prisoners who have recently given birth. Pregnant women shall be taken to a suitable hospital to give birth. The provisions of the Labor Act shall apply mutatis mutandis to the admissibility of their employment.
- 2) Female prisoners who are entitled to care for and raise their children may keep them with them until they reach the age of two, unless this would be detrimental to the child. Subject to the same restrictions, the prison governor may also allow prisoners to keep these children with them until they reach the age of three at the latest, provided that the necessary facilities are available and that, at the time the child reaches the age of two, the prisoner has no more than one year left to serve.
- 3) As long as a prisoner keeps her child with her, the state prison shall also provide for the child's maintenance. The costs thereof shall be borne by the state.

6. Social care

Art. 74

Social care

- 1) Prisoners shall be encouraged to maintain relationships with their relatives, insofar as this is possible without disrupting the orderly running of the institution and insofar as it can be expected to have a positive influence on the prisoners, promote their future progress, or otherwise be of benefit to them.
- 2) Prisoners shall also be instructed to make provisions for the management of their assets. Their efforts in this regard shall be supported, at their request, by advice and assistance from the

in cooperation with the Office for Social Services and, where appropriate, other competent authorities and the probation service.

3) Prisoners shall be informed of the possibilities and advantages of voluntary continued insurance and higher insurance in the social insurance system. Prisoners may also use funds that would otherwise not be available to them for obtaining services in prison to pay social insurance contributions.

4) If necessary, prisoners shall also be instructed to make arrangements to ensure that they have accommodation and work available to them after their release. Their efforts to this end shall be supported with advice and assistance at their request, in cooperation with the authorities responsible for vocational guidance and job placement, as well as with probation services.

7. Pastoral care

Art. 75

1) Every prisoner has the right to participate in communal worship and other joint religious events in the state prison and to receive spiritual guidance and encouragement from a chaplain appointed or approved for the state prison. The prison governor may, for reasons of security and order, after consulting the chaplain, exclude prisoners from participating in worship and other events.

2) Upon serious request, a prisoner shall also be permitted to receive pastoral care in the state prison from a pastor of his or her own denomination who is not appointed or approved for the state prison. The decision on this matter rests with the prison director.

3) If no chaplain has been appointed or approved for a particular denomination in the state prison, the prisoner shall, upon request and where possible, be given the name of a chaplain to whom he may turn. The chaplain shall be permitted to visit the prisoner for the purpose of providing spiritual care.

4) Prisoners shall be allowed to receive visits from a chaplain outside visiting hours (Art. 85 para. 1) during office hours. The content of conversations between the prisoner and the chaplain shall not be monitored. In all other respects, Articles 85 and 86 shall apply *mutatis mutandis* to such visits.

8. Communication with the outside world

Common provisions for correspondence, telephone calls, and visits

1) Prisoners may, in accordance with the provisions of this Act, correspond in writing with other persons and agencies, make telephone calls, and receive visitors. Articles 96(3), 106(2), and 108(2) remain unaffected.

2) However, correspondence, telephone calls, and visits shall be prohibited if there is reason to fear that they may jeopardize security and order in the institution or have an unfavorable influence on the prisoner. Art. 87 remains unaffected.

Art. 77

Correspondence

1) Unless otherwise provided for in this Act, prisoners shall be entitled to send and receive letters and cards without restriction and in accordance with the secrecy of correspondence. If such correspondence is received for a prisoner, it may only be handed over to him by the prison governor or by a prison officer designated by the prison governor for this purpose.

2) If the extraordinary volume of a prisoner's correspondence impairs monitoring (Art. 79), the prison director shall impose such restrictions as are necessary for proper monitoring. Such an order may not relate to a prisoner's correspondence concerning personal matters of particular importance, important legal or business matters, or serious questions concerning the prisoner's future prospects.

3) Letters must be legible, comprehensible, generally written in German, and written in full. If the prisoner does not have a sufficient command of the German language, the use of a foreign language is permissible; this also applies, provided there are no concerns, if the recipient of the letter does not have a sufficient command of the German language.

4) Letters that have been handed to prisoners shall be left with them for one week, then taken back and, depending on the prisoner's wishes, either destroyed or kept for him. At the prisoner's request, letters may also be left with him, provided that there is no risk of misuse and that order in the prison cell is not affected.

Art. 78

Writing

- 1) Prisoners may generally only write letters during their free time. In urgent cases, however, prisoners shall also be allowed to write during working hours.
- 2) Prisoners shall be provided with the necessary writing materials for their letters and submissions and, if they do not have access to funds that are otherwise not available to them for the provision of services in the prison system, with an appropriate amount of stationery.
- 3) Prisoners who cannot read or write shall be assisted by a prison officer.

Art. 79

Monitoring of correspondence

- 1) Letters written by prisoners shall generally only be monitored before they are sent, and letters received by prisoners shall only be monitored before they are handed over, to the extent necessary to retain any unauthorized money or other items contained therein. In addition, they shall be read by the prison governor or a prison officer designated by him on a random basis and otherwise to the extent necessary in view of the psychiatric or psychological care of the prisoner or because there is a suspicion that a letter may have to be withheld under Article 80.
- 2) If a prisoner's letter is read, care must be taken to ensure that its contents are not disclosed to other persons, unless the letter is to be withheld in accordance with Art. 80 or disclosure to other persons is necessary for the psychiatric or psychological care of the prisoner. Before reading a letter or a petition, a translation must be arranged if necessary.

Article 80

Retention of letters

- 1) If letters may not be sent or delivered in accordance with the provisions of this Act, if they violate the purposes of the prison system for other reasons, if they constitute a criminal offense or serve to prepare such an offense, they shall be withheld.

2) If a letter is retained, the prisoner must be notified immediately; in the case of a letter to one of the persons or bodies mentioned in Art. 81 para. 4 to 6 or a letter from one of these persons or bodies, the person or body must also be notified. The notification may be withheld if it would compromise the purpose of the retention or if the letter – except in the cases referred to in Art. 81 para. 1 – would be transported in such a way that it would have been exempt from monitoring under Art. 79 para. 1. Any parts of a letter that has been detained because of its content and that has been received for a prisoner shall be disclosed to or handed over to the prisoner.

3) The retained letters shall be placed in the personnel files and handed over to the prisoner upon his release, unless there is reason to fear that the released prisoner will use them for the purpose of committing a criminal offense.

Art. 81

Correspondence with public authorities, legal counsel, and support services

1) Letters sent by a prisoner to public authorities (para. 4), legal counsel (para. 5), or support services (para. 6) with the sender's details correctly stated may be sent in a sealed envelope.

2) If such letters are addressed to public authorities (para. 4), they may only be opened in the event of a justified and otherwise unverifiable suspicion of an unauthorized shipment of money or objects and only in the presence of the prisoner.

3) If such letters are addressed to legal counsel (para. 5) or care agencies (para. 6), or if they are letters from these persons and agencies or letters from public authorities (para.

4) to a prisoner, they may only be opened in the prisoner's presence and only:

a) for the reason stated in paragraph 2; or

b) in the event of reasonable suspicion that

1. the sender indicated on the letter is false,

2. the content of the letter poses a threat to the security of the institution, or

3. the content of the letter constitutes a criminal offense or serves to prepare such an offense.

Such letters may only be read in the cases referred to in subparagraphs b 2 and 3; if the suspicion is confirmed, the letters must be retained.

4) The following are considered public authorities:

- a) the sovereign, the government, the state parliament, courts, and other authorities, as well as members of these bodies;
 - b) the European Court of Human Rights and the committee established under the European Convention for the Prevention of Torture;
 - c) the international courts (Art. 1 of the Act on Cooperation with the International Criminal Court and Other International Courts) and the International Criminal Court;
 - d) in the case of foreign prisoners, also the consular representation of their home country.
- 5) Legal counsel includes lawyers, legal agents, and defense attorneys.
- 6) The following are considered support services:
- a) the prisoner's probation officer and associations entrusted with probation duties;
 - b) generally recognized associations and institutions that provide advice and support to prisoners' relatives and assist with the supervision of released prisoners.

Art. 82

Parcels, money transfers, and money orders

- 1) Parcels arriving for a prisoner shall be opened in his presence. The items contained therein shall be handed over to the prisoner if he is permitted to possess them under the provisions of this Act. Otherwise, the provisions of Art. 38 shall apply.
- 2) Prisoners are allowed to receive one shipment of food and luxury items weighing up to five kilograms per month, or several shipments with a total weight of up to five kilograms. The parcels may not contain canned food, medicines and remedies, intoxicating substances, or food and luxury items that cannot be consumed without further preparation, and may only contain coffee or coffee extract and tobacco products up to a total weight of 250 g each. These parcels may also be opened and inspected in the absence of the prisoners.
- 3) If, based on certain facts, there is a risk that parcels will be misused to send prisoners narcotics or other items that pose a risk to the health of the

If there is reason to fear that prisoners or others could pose a threat to security and order in the institution, and if it is not possible to separate such items without disproportionate effort, the prison director shall exclude the prisoners concerned from receiving parcels in accordance with paragraph 2. If the danger cannot be effectively countered by excluding individual prisoners, the prison director may, with the approval of the government, order that all prisoners in the state prison be excluded from receiving items under paragraph 2 for a specific period not exceeding six months. However, the prison director may grant exceptions to such an order in individual cases where this appears reasonable.

4) Money transfers and money orders shall be handled in accordance with the provisions of Art. 38.

Article 83

Postage

1) Prisoners' mail may only be sent if the postage has been paid. Prisoners shall bear the cost of postage.

2) Incoming mail that is subject to charges shall only be accepted if the prisoner pays the charges.

3) Prisoners may also use funds that are not otherwise available to them for the provision of services in the prison system to pay for postage. If a prisoner is unable to pay the fees through no fault of their own, they shall be borne by the state.

Visits

Art. 84

a) Principle

1) Prisoners may receive visits within the specified visiting hours as often and for as long as can be guaranteed with reasonable effort. They may not be denied at least one visit per week lasting at least half an hour; at least once every six weeks, the duration of the visit shall be extended to at least one hour. If a prisoner receives visits infrequently or if a visitor has a long journey to make, the duration of the visit shall be extended appropriately in any case.

2) In order to deal with important personal, economic, or legal matters that cannot be dealt with in writing or postponed until release, as well as to maintain family and other personal ties, prisoners shall be given the opportunity to receive visits in suitable premises with appropriate frequency and duration, if necessary also outside visiting hours. Such visits may be monitored, provided there are no concerns.

3) Visitors under the age of 14 are only permitted to visit if accompanied by an adult. No more than three visitors shall be permitted to visit a prisoner at the same time.

Art. 85

b) Special visiting rules

1) Except in the cases specified in Art. 84 para. 2, visits shall only be permitted during visiting hours. These shall be set by the prison governor on at least four weekdays, including at least one evening or weekend; consideration shall be given to visitors who are employed or have a long journey to make. Visits shall take place in the designated visiting rooms or, weather permitting, in designated outdoor areas of the institution. Provided there is no risk of abuse, the prison governor may, in particular in the case of visits by relatives, allow the conversation to take place without supervision or grant other relaxations of the visiting arrangements. In the case of prisoners who are bedridden or segregated due to illness, the prison director shall, after consulting the prison doctor, allow visits in the infirmary, unless this would jeopardize security and order in the prison or the health of the prisoner, the visitor, or third parties.

2) Visitors who are not known to the institution must provide proof of their identity. They shall be instructed in brief and simple terms on how to behave during the visit.

3) Visitors must behave in such a way that the purposes of the prison system are not jeopardized and decency is not violated. Visitors and prisoners are not permitted to exchange any objects.

4) Unless the provisions of this Act stipulate that the content of the conversation between the prisoner and the visitor is not to be monitored, the conversation must be conducted in a comprehensible manner, in German, and in such a way that it can be easily monitored. If a prisoner does not have a sufficient command of the German language, the use of a foreign language is permitted; this also applies, provided there are no concerns, if the visitor does not have a sufficient command of the German language.

Art. 86

c) Monitoring

Visits shall be monitored in a discreet manner. Unless otherwise specified in this Act, monitoring may also extend to the content of conversations between prisoners and visitors, but shall be limited to random checks. If necessary, a prison officer who is proficient in a foreign language or an interpreter shall be called in. However, the services of an interpreter shall not be used if the associated costs are not in line with the principle of economical administration, given that the conversation does not pose a threat to the security and order of the institution. If prisoners or visitors violate the provisions of Art. 85 (3) and (4), they shall be given a warning in minor cases. In the event of repeated or serious violations, the visit shall be terminated without prejudice to the admissibility of criminal or administrative prosecution.

Art. 87

d) Visits by representatives of public authorities and support services as well as legal counsel

1) Visits by representatives of public authorities and support services, as well as visits by legal counsel (Art. 81 paras. 4 to 6), shall also be permitted outside the intervals specified in Art. 84 para. 1 during office hours.

2) The content of conversations between prisoners and the visitors referred to in paragraph 1 shall not be monitored. The content of documents and other materials brought by these visitors may only be checked in the cases referred to in Art. 81 para. 3 lit. b nos. 2 and 3.

Art. 88

Telephone calls

For reasons worthy of consideration, prisoners shall be allowed to make telephone calls, in particular to relatives, legal representatives, and social institutions, as well as to public authorities, legal advisors, and care centers (Art. 81 paras. 4 to 6). The content of conversations between prisoners and the persons and institutions referred to in Art. 81 paras. 4 to 6 shall not be monitored; otherwise, monitoring of the content of the conversation may be waived if there are no concerns. If the content of the conversation is monitored, Art. 85 paras. 3 and 4 and Art. 86 apply *mutatis mutandis*. Art. 83 applies *mutatis mutandis* to the payment of costs.

Article 89

Interrogations

At the request of the authorities or the state police, their officers shall be given the opportunity to question a prisoner in the state prison in the presence of a prison officer.

Art. 90

Transports and transfers

- 1) A prisoner may be taken out if requested by a domestic authority or the state police, or if there are reasons for doing so for enforcement or other administrative reasons.
- 2) An escort requested by the prisoner shall be permitted for a maximum of twenty-four hours, provided that the presence of the prisoner at a location outside the institution is urgently required for the purpose of dealing with particularly important and urgent matters of a personal, economic, or legal nature and the escort is necessary for the nature of the matter. and urgent matters of a personal, economic, or legal nature, the prisoner's presence at a location outside the institution is urgently required, and the leave is possible without compromising the service and order of the institution, given the nature of the prisoner, his past life, and his conduct during detention. The prisoner shall bear the costs incurred by such an outing. To cover these costs, he may also use funds that would otherwise not be available to him for the provision of services in the prison system. In the absence of such funds, the costs shall be borne by the state in cases worthy of consideration.
- 3) The prisoner shall be searched before and after each execution or transfer.

Art. 91

Interruption of imprisonment

1) If, based on the nature and motive of the criminal offense for which he has been convicted, as well as his conduct prior to his arrest and his behavior during his detention, a prisoner does not pose a particular danger to the security of the state, to persons, or to property, he shall, upon request, be granted an interruption of his prison sentence for a maximum of eight days if:

a) the sentence still to be served does not exceed three years and the prisoner needs the interruption in order to

1. visit a relative or other person particularly close to him who is seriously ill or injured,
2. attend the funeral of one of these persons, or
3. deal with important family matters in connection with one of the events listed in paragraphs 1 and 2 or with the divorce or dissolution of a registered partnership of a relative, or to deal with urgent personal matters;

b) the sentence still to be served is not expected to exceed one year and the interruption appears necessary for the business in which the prisoner was employed.

2) The interruption may only be granted if accommodation and maintenance for the prisoner are secured for the duration of the interruption. The state police must be notified of the approval of an interruption.

3) The interruption shall be revoked if the convicted person attempts to evade further imprisonment, if there is reasonable concern that he will attempt to do so, or if there is strong suspicion that he has committed or will commit another criminal offense.

4) The convicted person must resume serving their sentence no later than the end of the period for which the interruption was granted. If they fail to comply with this obligation, the prison governor shall arrange for them to be brought before the court.

5) Insofar as this is necessary in view of the prisoner's personality and development in order to ensure compliance with the provisions of paragraph 2, sentence 1, and paragraphs 3 and 4, the interruption shall only be permitted subject to conditions and requirements.

6) The period of interruption shall be included in the sentence. However, if the interruption is revoked or if the convicted person does not resume serving their sentence in time

, the time spent outside of prison shall not be included in the sentence.

7) The decision on the interruption of the prison sentence, on the revocation and on the non-inclusion of the time spent outside of prison in the sentence shall be made by the enforcement court (Art. 15 para. 1 lit. c). If the interruption is revoked, the court shall at the same time arrange for the immediate appearance of the convicted person.

Art. 92

Release

1) A prisoner who is not considered particularly dangerous within the meaning of Art. 91 para. 1 shall, upon request, be permitted to leave the institution for a maximum of twelve hours per day, no more than twice per quarter, if the expected remaining sentence does not exceed three years, a leave of absence has already been granted (Art. 91) has already been granted and the prisoner requires the leave for one of the purposes specified in Art. 84 para. 2. If necessary for the purpose of the leave, taking into account any travel arrangements, the duration of the absence may be up to 48 hours.

2) Art. 91 (2) to (4) and (6) applies mutatis mutandis.

3) The decision on leave and on revocation shall be taken by the prison director, who shall apply Art. 91 para. 5 mutatis mutandis.

4) The decision not to include the time spent outside the prison or outside the sentence in the sentence (Art. 91 para. 6) is made by the enforcement court (Art. 15 para. 1 lit. d).

Art. 93

Marriage or registration of a partnership

1) If a prisoner wishes to marry or register a partnership, he shall be given the opportunity to do so in the state prison, notwithstanding the provisions of Art. 90 and 91.

2) Paragraph 1 shall also apply if a prisoner wishes to have a wedding ceremony performed by the chaplain of a legally recognized church or religious community.

9. Supervision

Article 94

Ensuring confinement

1) Even in cases not specifically provided for in this Act, the confinement of prisoners from the outside world must be monitored.

2) Persons who are not employed at the institution may only enter it with the permission of the institution director, except in the cases specifically provided for in this Act. Permission may only be granted if the visit is compatible with the purposes of the prison system. Unknown visitors must provide proof of their identity. However, this requirement may be waived if the visit is for the purpose of viewing the institution and the visitor is accompanied by a known person or by a person who can provide proof of identity.

3) Visitors must surrender any items that could pose a threat to the security and order of the prison. This also applies to weapons that visitors are required to carry in the course of their public service. Photo and audio recording devices must be surrendered, unless the prison governor has granted written permission for the use of such devices on prison premises in exceptional cases. Such permission may only be granted if the use of the devices is compatible with the purposes of the prison system and if, based on the visitor's character and the agreements made with them, there is a guarantee that the photographs and audio recordings will not be used in a way that could harm the prison system or the legal interests of the prisoners.

4) Prison officers are authorized to search persons who are not employed at the institution within the institution's premises if there is reasonable suspicion that they have committed an offense under Article 155 or if, based on certain facts, it can be assumed that they are carrying an object that could otherwise pose a threat to the security and order of the prison. In addition, vehicles, bags, and other containers brought into or taken out of the prison premises must be searched, at least on a random basis.

5) The use of direct force to enforce a search in accordance with paragraph 4 is only permissible if a threat to the security and order of the prison cannot be averted by other means. Personal searches shall be carried out by officers of the same sex as the person being searched and shall be carried out as gently as possible. Prison officers shall

shall limit themselves to searching the clothing and inspecting the body, unless there are specific grounds for believing that the person being searched has concealed an object in their body; in such cases, the search shall be carried out by a doctor.

Art. 95

Maintaining order in the institution

1) Care must be taken to ensure that prisoners behave in accordance with this Act and the regulations and orders based on it, either in general or in individual cases. In particular, appropriate precautions must be taken to prevent both the commission of criminal offenses by prisoners and the commission of criminal offenses against prisoners.

2) Prisoners shall also be observed or visited unexpectedly in their rooms during their free time and rest periods. For this purpose, these rooms may also be temporarily illuminated during the night. Prisoners, their belongings, and the rooms they use shall be searched from time to time. Searches shall be carried out as gently as possible, with personal searches being carried out by staff of the same sex as the prisoner. Art. 94 (5) last sentence applies accordingly. Physical searches involving exposure shall be carried out in the presence of two staff members of the same sex as the prisoner and in the absence of fellow prisoners and persons of the opposite sex.

3) Institutional keys, weapons, ammunition, and other security equipment, as well as uniforms that are not issued or in use, must be kept under secure lock and key.

4) Tools, materials, and other items that could pose a security risk must be stored securely and may only be given to prisoners under supervision and for no longer than necessary.

5) The loss of any of the items referred to in paragraphs 3 and 4 must be reported immediately.

Art. 95a

Detection of the consumption of intoxicating substances or narcotics

In order to maintain order in the institution, the institution director or specially assigned prison officers are authorized to subject a prisoner

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to random checks or, if there is suspicion, to appropriate measures to determine the consumption of intoxicating substances or narcotics. These measures must be carried out with respect for the prisoner's sense of honor and human dignity and must not involve physical intervention.

Art. 95b

Video surveillance

1) In order to ensure that prisoners are isolated from the outside world and to maintain order in the institution, in particular to prevent and deter prisoners from committing criminal offenses and to prevent criminal offenses being committed against prisoners, and in the event of a serious and significant threat to the life or health of a prisoner, the prison director is authorized to use technical means for real-time image transmission within the institution and at its external boundaries (real-time monitoring).

2) The collection of personal data of persons present using technical means of image recording is only permitted for the reasons specified in paragraph 1 and, moreover, only in the entrance area, in the visitor and interrogation zones, in the corridors in the secure wing, in the areas used for the occupation and recreation of prisoners outside their cells, and in comparable areas, as well as at the outer boundaries of the institution. The personal data collected in this way may also be used to prosecute a criminal offense or an administrative offense.

3) Video surveillance is not permitted for purposes other than those specified in the preceding paragraphs, in particular for monitoring the performance of prison staff. Video surveillance is not permitted in ordinary detention rooms, communal sanitary facilities, or rooms reserved exclusively for prison staff.

4) In the case of any video surveillance, in particular the use of technical means for image recording, care must be taken to ensure that any intrusion into the privacy of those affected is proportionate to the occasion. In the case of surveillance of the outer boundaries of the institution, care must be taken to ensure that the area under surveillance in public spaces is kept to a minimum.

5) The fact that video surveillance is in operation must be made apparent by appropriate measures. Outside the institution, this must be indicated in such a way that

so that any potentially affected person who wishes to pass through a monitored area has every opportunity to avoid video surveillance.

6) Recorded data must be deleted no later than 72 hours after the initial recording, unless it is required for the further prosecution of a criminal offense or an administrative offense.

7) Every instance of video surveillance use must be logged. This does not apply to cases of real-time surveillance.

Art. 96

Special security measures

1) Special security measures must be ordered for prisoners who pose a risk of escape, violence against persons or property, suicide or self-harm, or who otherwise pose a considerable threat to security or order.

2) The only special security measures that may be considered that entail additional restrictions on the prisoner's lifestyle are:

- a) more frequent searches of the prisoner, his belongings, and his cell;
- b) the accommodation of a prisoner who is either detained in a communal area during daily work or during at least two hours of daily leisure time in a single cell for the remaining time;
- c) keeping the cell lit at night;
- d) the withdrawal of furnishings, utensils, or items of clothing that could be misused;
- e) placement in a specially secured cell from which all objects with which the prisoner could cause harm have been removed;
- f) the use of shackles or a straitjacket or restraint in a restraint bed.

3) Prisoners who are subject to measures under paragraph 2(e) and (f) are excluded from the right to receive visitors and make telephone calls for the duration of the measures. However, notwithstanding the special supervision by prison staff, they must be seen by a doctor as soon as possible, within 24 hours at the latest

to be examined by a doctor, who shall in particular assess whether a transfer pursuant to Art. 69 is indicated. Subsequently, such prisoners shall be examined daily by the prison doctor. Where appropriate, a psychiatrist or psychologist shall be consulted.

4) Only prisoners who pose a danger to themselves, other persons, or property and therefore cannot be accommodated in another cell may be placed in the high-security cell. The specially secured cell must have adequate ventilation and sufficient daylight. Unless there are concerns, prisoners held in specially secured cells must be provided with a mattress and a spoon for eating meals.

5) Prisoners may only be restrained, except during outings and transfers, if they have threatened, prepared or attempted violence against persons or property, suicide or escape, if there is a serious risk of repetition or execution, and if other security measures are not possible or sufficient under the circumstances. Shackles shall be applied to the hands, but if the purpose of the shackling cannot otherwise be achieved, they shall also be applied to the feet.

6) Special security measures shall be maintained to the extent and for as long as the extent and persistence of the danger that led to their imposition absolutely require.

7) The supervising prison officer is authorized to order special security measures. The officer must report any such order to the prison director without delay. The prison director must decide without delay whether to maintain the special security measure. The continuation of a measure under paragraph 2(e) for more than one week or a measure under paragraph 2(f) for more than 48 hours may only be ordered by the prison court, which shall decide on this at the request of the prison director (Art. 15(1)(e) and (f)). If the enforcement court orders the measure to be maintained, it must at the same time determine its maximum permissible duration; if the reasons that led to the ordering of such a measure cease to exist before the expiry of this period, the prison director must lift the measure without delay (para. 6).

Art. 97

Direct coercion

1) Prison officers may only use direct force:

- a) in cases of self-defense (Section 3 of the Criminal Code);
- b) to overcome resistance to state authority or a physical attack on an officer (Sections 269 and 270 of the Criminal Code);
- c) to prevent the escape of a prisoner or to recapture him;
- d) against a person who enters or attempts to enter the institution or attempts to free a prisoner;
- e) to overcome any other failure to comply with an order that jeopardizes the security and order of the prison system.

2) The use of force must be limited to what is necessary. It may only be used after prior warning, unless this would jeopardize the purpose of the use of force.

Art. 98

Armament and use of weapons

1) Prison officers who escort or transfer prisoners or who are responsible for ensuring security and order in the institution (Art. 90, 94, and 95) may carry weapons in the course of their duties if this appears necessary to maintain security and order in the institution.

2) Weapons within the meaning of paragraph 1 include, in particular, rubber truncheons, police batons, and pepper spray.

3) Prison officers may only use their weapons in the cases specified in Art. 97 para. 1 lit. a to d and within the bounds of proportionality.

4) Prison officers may also call on state police officers for assistance; the use of direct force and firearms by the latter is governed by the Police Act.

Art. 99

Removal of uninvolved persons

Prison officers and state police officers who are responsible for transporting, transferring, or guarding prisoners outside the institution are authorized to remove uninvolved persons from the immediate vicinity of a prisoner if this is necessary to protect the prisoner or to prevent obstruction of official duties.

Escape

1) A prisoner who escapes shall, insofar as this can be done without neglecting the supervision of other prisoners, be pursued immediately and vigorously and brought back. Prison officers and state police officers are authorized to enter premises and rooms in the course of the pursuit, insofar as this is necessary to recapture the escaped prisoner, and to search premises, rooms, and motor vehicles for the escaped prisoner, insofar as there are specific grounds for believing that he is there. The provisions of Sections 94 (2) and 95 (1) and (3) of the Code of Criminal Procedure apply mutatis mutandis to searches. When entering properties and premises, prison officers shall also proceed in such a way as to avoid unnecessary attention, any unnecessary harassment or disturbance of the persons concerned, and to protect their reputation as far as possible.

2) If an escaped prisoner cannot be apprehended immediately, prison officers must request the state police to issue a search warrant and apply for an arrest warrant in good time.

3) The prison officer directly in charge of supervision must immediately report any case of a successful or attempted escape to the prison governor. The latter must investigate the case. The investigation must also examine in particular whether the escape was facilitated by the misconduct of a person working in the prison or by deficiencies in the prison facilities. The prison director must immediately report any breakouts and high-profile escape cases, as well as any escape cases made possible by the breach of duty of prison staff, to the government and the presiding judge of the regional court.

10. Administrative offenses

Art. 101

Definition

1) A prisoner commits an administrative offense if, contrary to the provisions of this law, he intentionally

a) leaves the institution or otherwise escapes;

- b) associates with a person outside the institution, a person working in the prison system or otherwise for the institution, a public administration employee, an entrepreneur, other private contractors (Art. 42 para. 2) or one of their employees, a visitor, or another prisoner;
 - c) inflicts injury or damage to his own body or health, or allows another person to do so, in order to render himself unfit to perform his duties, or gets a tattoo or allows another person to tattoo him;
 - d) makes statements in which they incite or approve of acts that are punishable by law or disciplinary measures, or grossly violates decency;
 - e) has items in his custody;
 - f) fails to make one of the notifications listed in Art. 33 or makes such a notification against his better judgment;
 - g) fails to perform work assigned to him despite a warning;
 - h) does not immediately resume serving his sentence after an interruption of his prison term or after a period of leave;
 - i) behaves inappropriately towards a person working in the prison or otherwise for the institution, a public administration employee, an entrepreneur, other private clients (Article 42(2)) or one of their employees or a visitor; or
 - k) otherwise violates the general obligations of prisoners under Art. 24.
- 2) A prisoner also commits an administrative offense if he intentionally or through gross negligence causes damage to institutional property or to the other items listed in Art. 32, or if he severely soils such property or items.
- 3) Notwithstanding Section 112 (1), a prisoner shall also be guilty of an administrative offense if he commits a criminal act falling within the jurisdiction of the regional court against the physical safety, honor, or property of one of the persons referred to in paragraph 1 (a) or a fellow prisoner, or a criminal offense falling within the jurisdiction of the regional court against the property of the institution.

4) The procedure for administrative offenses is governed by the law on general state administration, unless otherwise specified in this subsection. Attempts are punishable.

Art. 102

Punishment of administrative offenses

1) If a prisoner commits an administrative offense, he shall in any case be warned by the supervising prison officer.

2) If the prisoner's guilt is minor, the offense has had no or only insignificant consequences, and punishment does not appear to be necessary to deter the prisoner from future misconduct, the warning shall suffice. Otherwise, a penalty shall be imposed on the prisoner.

3) The supervising prison officer must report the commission of an administrative offense to the prison director if he or she believes that a penalty should be imposed in accordance with paragraph 2, or if he or she at least considers this to be possible. Art.

103

Penalties for administrative offenses

Only one or more of the following measures may be considered as penalties for administrative offenses:

- a) a reprimand;
- b) restriction or withdrawal of privileges;
- c) restriction or withdrawal of rights to dispose of pocket money (Art. 49), television reception (Art. 54), correspondence (Art. 77), parcels and money transfers (Art. 82), visits (Art. 84) or telephone calls (Art. 88);
- d) a fine;
- e) house arrest.

Art. 104

Reprimand

A reprimand consists of a stern rebuke issued to the prisoner by the prison director.

Art. 105

Restriction or withdrawal of privileges

Benefits may be restricted or withdrawn for a maximum period of three months. Upon expiry of the period of restriction or withdrawal

, they may be reacquired without the restriction imposed or newly acquired, subject to the other necessary conditions (Art. 22).

Art. 106

Restriction or withdrawal of rights

- 1) The penalty of restriction or temporary withdrawal of the right to correspondence, visits, or telephone calls may only be imposed for abuse of this right.
- 2) The right to receive television may be withdrawn or restricted for a maximum period of eight weeks, and the right to correspondence or telephone calls for a maximum period of four weeks. The right to dispose of pocket money and the right to receive parcels and money transfers may be withdrawn for a maximum period of four weeks and restricted for a maximum period of eight weeks. The right to receive visitors may be withdrawn or restricted only in such a way that the prisoner is not allowed to receive any visitors or is allowed to receive only certain visitors up to three times in succession at the otherwise scheduled times.
- 3) If a prisoner's right to dispose of their pocket money is withdrawn, the amounts that would have been credited to them as pocket money for the period during which the withdrawal is effective shall be credited as a reserve. If the right to dispose of pocket money is only restricted, the credit shall be made as a reserve rather than as pocket money in accordance with the extent of the restriction.
- 4) The right to correspond in writing with the persons and bodies referred to in Article 81(4) to (6) and the right to receive visits from these persons and from representatives of the bodies referred to in Article 81(4) to (6) shall remain unaffected by any restriction or withdrawal of the right to correspond or receive visits.

Article 107

Fine

The fine may not exceed the amount of 500 francs. It shall be deducted from the house allowance in appropriate installments.

Article 108

House arrest

1) The penalty of simple or strict house arrest may only be imposed in cases where aggravating circumstances prevail. House arrest may not exceed four weeks.

2) During the period of house arrest, the prisoner shall be held in a special single cell; in less serious cases, prisoners who are held in solitary confinement may be ordered by the court to serve their house arrest in their normal cell. During this detention, the prisoner shall be deprived of the rights referred to in Art. 103(c) and the privileges granted to him, unless, in the case of simple house arrest, individual rights or privileges are expressly maintained in the sentence in order to achieve the educational purpose of the punishment. When outdoors, the prisoner shall be kept separate from others. The prisoner may only be employed in work that can be carried out in the detention cell.

3) If strict house arrest is imposed, at least one of the following measures shall be ordered in the sentence for the duration of the house arrest:

a) restriction of the time during which the cell is artificially lit;

b) Withdrawal of

work. Art. 109

Non-inclusion in the sentence

If a prisoner has deliberately evaded his work obligation by self-harm or another disciplinary offense, the time spent under house arrest for this disciplinary offense shall not be counted in whole or in part toward the prison term. The prison court shall decide on this matter at the request of the prison director (Art. 15 para. 2 lit. g).

Art. 110

Procedure for disciplinary offenses

1) Notwithstanding the provisions of Art. 102, the prison director shall decide on the imposition of disciplinary penalties. However, if the disciplinary offense is directed against the person of the prison director, the decision shall be made by the Appeals Commission for Administrative Matters. This jurisdiction shall remain in force even if the prisoner is transferred to another institution during pending disciplinary proceedings.

- 2) If a prisoner is suspected of an administrative offense punishable by a penalty and if his isolation from the other prisoners appears necessary to maintain security and order in the institution, the prison officer directly supervising him shall place him in a single room or, if the prisoner is being held in solitary confinement, in his cell.
- 3) If a prisoner is accused of an administrative offense for which a penalty would be imposed, he shall be heard on this accusation. If the facts of the case do not appear to be sufficiently clarified, further investigations shall be carried out. If, according to the results of these investigations, a penalty is to be imposed, the prisoner shall be heard again.
- 4) If the administrative offense was not directed against the person of the prison director, the latter shall announce the penalty decision to the prisoner; otherwise, his deputy shall do so. At the same time, the prisoner must be informed of the possibility of appeal (Art. 114). At his request, he shall be provided with a written copy of the decision. The essential content of the decision shall be recorded in the prisoner's personal file.
- 5) If a prisoner does not have a sufficient command of the German language, he shall be provided with the necessary translation assistance in disciplinary proceedings.
- 6) Unless otherwise specified in this Act, penalties shall be enforced without delay. If a prisoner has been sentenced to house arrest, such a penalty may only be imposed on him again after a period of time corresponding to the duration of the house arrest has elapsed.
- 7) The competent authority (para. 1) may impose the penalties specified in Art. 103 lit. b to e without reservation or, subject to a probationary period of one to six months, may suspend them conditionally or partially conditionally, mitigate them or convert them to a more lenient penalty if, taking all circumstances into account, this is more appropriate than the enforcement or continued enforcement of the penalty imposed. The probation period shall end at the latest upon release from prison. If the prisoner is found guilty of a further offense during the probation period, the conditional reprieve shall be revoked after hearing the prisoner and the penalty shall be enforced, unless it is more appropriate for special reasons to

appears to refrain from revocation nonetheless. Due to a misdemeanor committed during the probationary period, revocation may also take place within six weeks after the end of the probationary period.

Art. 111

Involvement of the prison doctor

The penalty of house arrest may not be enforced if and as long as, according to the prison doctor's statement, it would endanger the prisoner's health.

Art. 112

Prosecution

- 1) The fact that an act can also be punished as an administrative offense does not preclude its prosecution in court.
- 2) The prison authorities must immediately report to the public prosecutor's office any suspicion of an act by a prisoner that is punishable by law and that is not to be prosecuted solely at the request of the latter.
- 3) The public prosecutor's office may refrain from or withdraw from prosecuting a prisoner for a criminal offense falling within the jurisdiction of a single judge pursuant to § 317 of the Code of Criminal Procedure if the offense is minor and the penalty imposed makes judicial punishment unnecessary.

11. Requests and complaints

Art. 113

Requests

Prisoners have the right to make requests in an appropriate form, either verbally or in writing, regarding the enforcement of their sentence. For this purpose, in cases that cannot be postponed, they must contact the nearest prison officer, or at the time of day specified in the house rules, the prison officer responsible for this.

Art. 114

Complaints

- 1) Prisoners may lodge a complaint against any decision or order affecting their rights and against any conduct by prison staff affecting their rights. However, prisoners may only lodge complaints about the type of medical treatment they receive in accordance with Article 116. The complaint must specify the contested decision, order, or conduct and

state the reasons for the complaint, unless these are obvious.

2) Except in cases of imminent danger, a complaint may be lodged at the earliest on the first day and at the latest on the fourteenth day after the day on which the prisoner became aware of the grounds for the complaint. If the complaint is directed against a decision, it may be lodged, except in cases of imminent danger, at the earliest on the first day and at the latest on the fourteenth day after the day on which the decision was announced or served on the prisoner. Complaints must be submitted in writing or orally at a time to be determined by the prison director to the prison officer responsible for this matter. If the complaint is directed against the prison director and is submitted to the Complaints Commission for Administrative Matters within the complaint period, it shall be deemed to have been submitted in good time. In this case, the Complaints Commission for Administrative Matters shall immediately forward the complaint submitted to it to the prison governor.

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3) The lodging of an appeal shall have no suspensive effect. However, the institution director and the Appeals Commission for Administrative Matters may provisionally suspend the execution of orders against which an appeal has been lodged until the matter has been settled, provided there is no imminent danger.

Art. 115

Complaint procedure

1) The prison director shall decide on complaints against prison staff or their orders. If the complaint is directed against the prison director or against a decision or order made by him and he does not remedy the complaint himself, the decision shall be made by the Complaints Commission for Administrative Matters.

2) If the facts of the case are not sufficiently known, investigations must be carried out before the complaint is dealt with. When submitting complaints, the prison director must attach a brief report, unless the facts of the case are already apparent from the files submitted.

3) The complainant shall be heard before a decision is made, unless such a hearing does not appear necessary in the circumstances of the case, in particular because the facts already appear to have been sufficiently clarified or the complaint is upheld in its entirety.

4) If the complaint is not directed against the person of the prison governor, the decision on the complaint shall be announced to the prisoner by the prison governor, otherwise by his deputy. At the same time, the prisoner shall be informed of the possibility of further appeal. At his request, the prisoner shall also be provided with a written copy of the decision.

Art. 116

Invocation of the supervisory authority of the enforcement authorities

Prisoners have the right to appeal to the supervisory authorities of the prison administration by means of requests and complaints. No decision needs to be made on such requests or complaints.

12. Forms of imprisonment

Art. 117

Differentiation

Within the framework established by the provisions of this Act, different forms of penal enforcement shall be developed which are suitable for promoting the achievement of the purposes of penal enforcement (Art. 19).

Art. 118

Forms of accommodation

1) Prisoners shall be accommodated together with others for as long as possible during the day and individually during the night, if possible. Insofar as it is appropriate in view of the nature of the sentence and other circumstances, accommodation shall be in residential groups or otherwise without locking the cells or living quarters during the day.

2) Particular care shall be taken when forming groups of prisoners for living, working, and leisure activities to avoid any harmful influence on or by fellow prisoners and to promote a beneficial influence.

3) Prisoners should not be accommodated together with others during the day if this is necessary for health reasons or for other reasons in order to achieve the purposes of the prison system (Art. 19), either for their own sake or for the sake of their fellow prisoners.

4) Prisoners may only be accommodated in single cells at night if the facilities of the institution do not allow for shared accommodation, if there are organizational reasons for doing so, or if the prisoner wishes to be accommodated in a shared cell. However, prisoners must not be accommodated in single cells at night

be avoided if it could endanger the physical or mental state of the prisoner.

5) The provisions of Articles 96, 108, and 110(2) remain unaffected.

Article 119

Solitary confinement

1) If a prisoner is, for whatever reason, housed alone during the day and at night (solitary confinement), he must be visited at least once a day by a suitable prison officer, unless he receives visits (Article 84).

2) A prisoner may only be held in solitary confinement against their will for more than four weeks without interruption if ordered to do so by the prison court, which must decide on this matter at the request of the prison governor (Art. 15 para. 1 lit. h). If the prison court orders that solitary confinement be maintained, it must also determine the duration of the confinement. A prisoner may only be held in solitary confinement for more than six months at his or her own request and with the consent of the prison doctor.

Art. 120

Prison sentences in a relaxed form

1) Prisoners serving fixed-term sentences shall be held in a relaxed form of imprisonment, provided that facilities for such imprisonment exist, that these facilities are used to their best advantage, and that it can be expected that the prisoners will not abuse the relaxation of conditions.

2) In relaxed prison conditions, prisoners shall be granted one or more of the following relaxations:

- a) Detention without locking the common rooms or even the gates during the day;
- b) Restriction or elimination of supervision at work, including outside the institution;
- c) Leaving the institution for the purpose of vocational training and further education or to receive outpatient treatment;
- d) one or two outings per month within the meaning of Art. 92, also for purposes other than those specified therein.

3) The order that a prisoner is to perform work outside the institution without supervision and not for an economic enterprise belonging to the institution (day release) may only be made with the prisoner's consent. In this case, as well as in the case of paragraph 2(c), it must also be ordered when the prisoner is to return to the institution.

4) Prisoners who are held in a relaxed form of imprisonment may also be allowed to participate in outings in small groups and accompanied by a person working in the prison system. Prisoners who are granted relaxation in accordance with paragraph 2, letters b and c, may also be allowed to exercise outdoors (Art. 40) outside the institution.

5) The decision on whether a prisoner is to be held in a relaxed form of imprisonment is made by the prison director.

Art. 121

Initial enforcement

1) Prisoners serving a prison sentence for the first time shall, as far as possible, be held separately from prisoners who are not serving their first sentence; in the case of prisoners whose sentence exceeds three years, such separation may be waived with their consent.

2) Prisoners serving their first sentence shall, if necessary, receive increased educational support (Art. 52).

Art. 122

Imprisonment of prisoners convicted of negligent criminal offenses

1) Prisoners who have been convicted solely or predominantly for negligent criminal acts or for committing a punishable act while in a state of complete intoxication (Section 287 of the Criminal Code) in relation to a negligent act or omission shall, as far as possible, be held separately from prisoners for whom this is not the case.

2) Prisoners who have been convicted of negligent criminal acts against life or limb or of committing a punishable act while in a state of complete intoxication (Section 287 of the Criminal Code) in relation to such acts or omissions shall, insofar as this does not conflict with the principles of economical, efficient, and appropriate administration

, instruction on accident prevention and first aid shall be provided.

Art. 123

Enforcement on prisoners who are not suitable for general imprisonment due to psychological characteristics

Prisoners who are unsuitable for general imprisonment due to mental health issues shall be kept separate from other prisoners, notwithstanding Article 126, and shall be cared for in accordance with their condition. If the regular execution of the sentence would harm such a prisoner, the prison director shall order deviations from the provisions of this Act that are appropriate to the prisoner's particular circumstances. However, this shall not prejudice the rights granted to prisoners.

C. Enforcement of the sentence

1. Admission

Art. 124

Commencement of the execution of sentences

- 1) If a person arrives at the state prison during office hours to begin serving a prison sentence, or is brought or transferred there for this purpose, it must be determined whether he is the convicted person; if so, he must be admitted as a prisoner.
- 2) The provisions governing admission shall apply *mutatis mutandis* to the transfer of a convicted person to the prison system.
- 3) Female convicts who have the right to care for and raise their children may keep them with them in accordance with Art. 73 para. 2. Art. 73 para. 3 shall also apply in these cases.

Art. 125

Searching prisoners, medical examinations, and identification procedures

- 1) Admission shall be carried out in the rooms provided for this purpose. Prisoners shall be required to undress and be searched; the provisions of Art. 95 para. 2 on searches shall apply *mutatis mutandis*.
- 2) Items brought in by prisoners shall be stored in accordance with the available space, taking particular account of the space required.

Fellow prisoners, insofar as there is no risk of abuse and the necessary supervision is possible. Mementos of personal value and items used for personal hygiene, provided they are not dangerous, photographs of persons close to them, their wedding or partnership ring, a wristwatch or pocket watch, their own clothes in accordance with Art. 36 para. 1, and items for decorating their cell within the meaning of Art. 37 para. 2 shall in any case be left with the prisoners. Prisoners shall also be allowed to keep the basic scripture and a devotional book and devotional objects of their faith. The provision of food and luxury items is only permitted in the cases specified in Articles 26, 31, 35, and 82.

3) Prosthetic limbs, orthopedic and other aids used by prisoners shall be left in their possession insofar as they require these items in view of their condition. If there is any doubt in this regard, the prison doctor shall be consulted. Medicines and remedies brought with them may only be left with prisoners if, according to the prison doctor's statement, there are no health concerns.

4) Upon admission, or if otherwise necessary for identification purposes, photographs and fingerprints may be taken and measurements made of prisoners, even against their will. In addition, the state police shall be allowed to carry out identification procedures on prisoners for the purpose of performing their duties.

5) Prisoners shall undergo a medical examination upon admission or shortly thereafter. If the results of the examination indicate that the sentence should be postponed (Art. 126), the court responsible for the enforcement of sentences shall be notified.

Art. 126

Subsequent postponement of the execution of the sentence

1) If it subsequently transpires that the commencement of the sentence should have been postponed on grounds of unsuitability for imprisonment, and if the relevant circumstances continue to exist, Art. 5 shall apply *mutatis mutandis*.

2) The same procedure shall be followed if a prisoner becomes seriously ill during imprisonment, suffers an accident with serious consequences, or falls into any other serious state of physical or mental weakness, and it can be assumed that his condition is life-threatening or will continue indefinitely or for a long time.

3) The decision on subsequent postponement rests with the enforcement court (Art. 15 para. 1 lit. i).

2. Preparation for release

Art. 127

Execution of release

1) Before release, prisoners shall receive increased educational (Art. 52) and welfare support to prepare them for life in freedom.

2) Insofar as the facilities of the institution allow, prisoners who are not expected to abuse the relaxations shall be granted one or more of the relaxations mentioned in Art. 120 during the execution of their release.

Art. 128

Commencement of the release process

1) Depending on the length of the prison sentence to be served, the execution of the release begins three to twelve months before the expected release date.

2) If the prison governor considers that the prisoner is likely to be released on parole, the date of the expected conditional release shall be decisive within the meaning of paragraph 1. If a prisoner serving a life sentence has been sentenced to a further term of imprisonment after the start of the sentence, the date of the expected conditional release may not be assumed to be earlier than the date on which the time requirements for conditional release from the further prison sentence are also met, in which case the calculation shall be based on the time spent in prison since the further sentence became final.

3) If relaxations have been granted in the execution of the sentence pursuant to Art. 127 (2), they may not be withdrawn from the prisoner solely on the grounds that his or her conditional release has been refused.

Art. 129

Preparation for release

1) Prisoners shall be informed of the legal disadvantages arising from their conviction that will continue after their release and of the legal options available to them to remedy these disadvantages.

2) If necessary, prisoners shall be advised to make timely arrangements to ensure that they find suitable accommodation and honest employment after their release and that they have adequate clothing and the means necessary to travel to their future place of residence and to support themselves in the initial period after their release. Sick, injured, or pregnant prisoners should be advised to make arrangements for medical care after their release. The efforts of prisoners should be supported with advice and assistance in cooperation with the Office of Economic Affairs and public and private welfare agencies.

3) Insofar as this can be expected to promote reintegration into life in freedom, in particular the prospects of honest advancement, prisoners may, within the framework of the principles of the prison system, be permitted to use facilities and participate in events that are operated or carried out by legal entities other than the state for comparable purposes. If the costs are not borne by another party, the state may cover them up to the amount that would have to be spent on comparable facilities or events of the state.

Art. 129a

Leave

1) During the execution of the sentence, a prisoner shall be granted one or more leaves of absence of up to three days each, plus any necessary travel time, upon request, in order to prepare for life in freedom and to settle his affairs, if it can be expected, based on his character, his past life, and his conduct during detention, that he will not abuse the leave of absence, and if accommodation and maintenance for the prisoner are secured for the duration of the leave. The state police shall be notified of the granting of leave.

2) Art. 91 (3) to (6) applies *mutatis mutandis*.

3) The decision on leave and on revocation shall be taken by the prison governor.

4) The decision on whether to include the period of leave or the time spent outside the prison in the sentence (Art. 91 para. 6) rests with the enforcement court (Art. 15 para. 1 lit. d).

3. Release

Art. 130

Time of release

- 1) If a prisoner has served the sentence minus any part that has been unconditionally or conditionally remitted or reduced, they shall be released.
- 2) Prisoners shall be released within the first two hours of office on the day of release. However, if the sentence (para. 1) ends before the start of office hours or on a day when no office hours are held, the sentence shall be deemed to have ended on the last preceding day on which office hours were held.
- 3) Paragraph 2 shall not apply to prisoners whose sentence does not exceed two weeks.

Art. 131

Release

- 1) Before release, the prison governor must hold a final meeting with the prisoner. The prisoner must be informed about the release. He must be given a leaflet that briefly and in simple terms explains the legal disadvantages arising from his conviction that will continue after his release, as well as the obligations imposed on him and, in the case of conditional release, the reasons for which the release may be revoked.
- 2) The release shall take place in the rooms provided for this purpose. Prisoners must undress and be physically searched; the provisions of Art. 95 (2) on searches shall apply mutatis mutandis. Prison clothing (Art. 36 (1)) and other items provided for the prisoners' use shall be taken from them.
- 3) Prisoners whose clothing cannot be repaired or whose clothing is inadequate due to the season or the prisoner's state of health and who cannot obtain suitable clothing for release by other means shall be provided with the necessary simple clothing by the authorities.
- 4) Prisoners must undergo a medical examination before release.

4. Enforcement against prisoners whose placement in an institution for dangerous repeat offenders has been ordered

Art. 132

StVG

1) The order for the placement of a prisoner in an institution for dangerous repeat offenders must be taken into account in the general execution of the sentence and in the assignment of work (Art. 44), in the execution of sentences and transfers (Art. 90), and in the placement of prisoners (Art. 118 and 119).

2) As long as it has not been decided that the transfer of the offender to the institution for dangerous repeat offenders is no longer necessary (§ 24 (2) of the Criminal Code), Articles 127 to 131 shall not apply, unless the prisoner is expected to be released on parole (Art. 128 (2) and (3)).

3) If the prisoner is not released early, the court must review whether placement in an institution for dangerous repeat offenders is still necessary (Section 24 (2) of the Criminal Code) no later than three months before the end of the sentence. If the prisoner is released on parole, it must be stated at the same time that placement is no longer necessary (Sections 24 (2) and 47 (4) of the Criminal Code).

4) If the convicted person is to be transferred from prison to an institution for dangerous repeat offenders, the transfer must be carried out in good time so that the convicted person is already in the institution for dangerous repeat offenders when the sentence ends. For this purpose, the transfer may be initiated up to two weeks before the end of the sentence. The sums of money credited to the convicted person in prison as personal funds, housekeeping money, or reserves shall be credited to the convicted person on the day of transfer to the institution for dangerous repeat offenders. If disciplinary penalties have not yet been enforced or have not been enforced in full at the time of transfer, they shall be enforced in the institution for dangerous repeat offenders, notwithstanding Art. 110 (6).

5. Preparation for conditional release

Article 133

Decision on conditional release

1) A decision on the conditional release of a prisoner shall be made at the request of the prisoner or at the request of the prison director or the public prosecutor. A request by a relative shall be treated as equivalent to a request by the convicted person. A decision on the conditional release of a prisoner who will have fulfilled the time requirements for conditional release under Section 46(2) of the Criminal Code in the month after next shall be made ex officio. In any case, the decision shall be made by the enforcement court (Art. 15(1)(k)).

2) Before making any decision on conditional release, the court must examine the criminal case files and the prisoner's personal file. If conditional release is not already ruled out due to failure to meet the time requirements, the court must also obtain statements from the prisoner, the prison governor, and the public prosecutor. In their statement, the prison governor must comment in particular on what indications can be drawn from the prisoner's character, their conduct in prison, and the external circumstances to be expected at the time of a possible release regarding the prisoner's lifestyle in freedom. Statements do not need to be obtained if the prisoner, the prison director, or the public prosecutor's office has submitted the application for release and provided the relevant reasons.

3) If the prisoner has been placed in an institution for dangerous repeat offenders, the state police must also be given the opportunity to comment before a decision on conditional release is made.

Art. 134

Hearing and appeal

1) Before making its decision, the court must hear the prisoner, unless such a hearing does not appear necessary in the circumstances of the case. If the prisoner applies for a hearing for the first time for the purpose of conditional release under the time requirements of Section 46 (2) and (6) of the Criminal Code, this may only be omitted if the court grants the release. In the event of a hearing, the court shall, if possible, also announce its decision to the prisoner orally. It is permissible for the court to hear the prisoner using technical equipment for voice and image transmission and to announce the decision to him in the same manner.

2) Insofar as it appears appropriate for the purpose of predicting the future behavior of the convicted person, the court shall hear suitable sources of information, such as the prison director or a prison officer specially appointed by the latter, and other persons working in the prison system or in probation services, as well as, if necessary, a medical or psychological expert.

3) If, in the case of an oral pronouncement of the decision, the convicted person or the public prosecutor's office, provided that a representative of the public prosecutor's office was present at the pronouncement, lodges an appeal within three days of the pronouncement, a copy of the decision shall be served on the appellant and, at the request of the convicted person, on his defense counsel. In this case, he may elaborate on the appeal within fourteen days of delivery. If the public prosecutor and the convicted person waive their right to appeal against the decision or do not lodge an appeal within the time limit available for this purpose, the minutes of the hearings pursuant to paragraphs 1 and 2 and the copy of the decision may be replaced by a note signed by the presiding judge and the clerk, which shall contain the names of the persons heard and present at the hearing, as well as a summary of the circumstances relevant to the decision.

IV. Enforcement of preventive measures involving deprivation of liberty

A. Ordering of enforcement

Art. 135

1) Unless otherwise specified below, Articles 3 to 5, 7, and 8(1) shall apply *mutatis mutandis* to the ordering of the enforcement of preventive measures involving deprivation of liberty.

2) If the enforcement of a preventive measure involving deprivation of liberty has not been initiated three years after the measure became enforceable, the measure may only be enforced if it is established that the danger against which the measure is directed still exists. The decision that the danger no longer exists is equivalent to conditional release from the measure in question.

3) Art. 7 applies *mutatis mutandis* to the decision under para. 2.

B. Institutions and authorities

Art. 136

Institutions for mentally abnormal offenders

1) The placement of mentally abnormal offenders shall be carried out in institutions specially designated for this purpose, unless otherwise provided for in this Act. Art. 8 para. 2 shall apply *mutatis mutandis*.

2) In institutions for mentally abnormal offenders, prisoners who cannot be properly treated in other prisons due to their mental state

cannot be treated appropriately in other correctional facilities or who are not suitable for general imprisonment due to psychological characteristics. This applies mutatis mutandis to the enforcement of placement in an institution for offenders in need of rehabilitation and to the enforcement of placement in an institution for dangerous repeat offenders.

3) When establishing institutions for the placement of persons pursuant to Section 21 (1) of the Criminal Code, particular attention shall be paid to the requirements arising in connection with the psychiatric treatment of the persons placed there (Art. 142). The institutions shall be obliged to keep and store medical records.

4) Commitment pursuant to Section 21 (1) of the Criminal Code may be carried out by admission to a suitable psychiatric hospital if:

- a) taking into account the condition of the offender to be accommodated, the facilities available in the public hospital for the accommodation of mentally ill persons under the Social Welfare Act are sufficient;
- b) the offender and his legal representative give their consent; and
- c) the head of the hospital has been given the opportunity to comment.

5) Commitment pursuant to Section 21 (2) of the Criminal Code may also be carried out in special wards of institutions for the enforcement of custodial sentences. Art. 137

Institutions for offenders in need of rehabilitation

1) The placement of offenders in need of rehabilitation shall be carried out in institutions specially designated for this purpose or in special departments of institutions for the enforcement of custodial sentences, unless otherwise provided for in this Act. Art. 8 (2) shall apply mutatis mutandis.

2) In institutions and special sections for offenders requiring rehabilitation, the sentences of prisoners requiring rehabilitation (Art. 66) may also be enforced.

Art. 138

Institutions for dangerous repeat offenders

1) Dangerous repeat offenders shall be accommodated in institutions specially designated for this purpose or in special sections of institutions for the enforcement of sentences.

to enforce custodial sentences, unless otherwise specified in this Act. Art. 8 para. 2 applies *mutatis mutandis*.

2) Prison sentences may also be enforced in special departments for dangerous repeat offenders.

Art. 139

Enforcement court

The enforcement court (Art. 15) also decides on:

a) the necessity of placement or continued placement in an institution for mentally abnormal offenders, in an institution for offenders requiring rehabilitation, or in an institution for dangerous repeat offenders (Sections 24 and 25 of the Criminal Code), on conditional release from one of these institutions and the related orders, on the revocation of conditional release and on the fact that conditional release has become final, unless otherwise specified in Art. 154 (Sections 47 to 52, 54, and 56 of the Criminal Code);

b) unconditional release from an institution for offenders in need of rehabilitation if continuation or supplementation of the rehabilitation treatment would not promise success (Section 47 of the Criminal Code);

c) the admissibility of restrictions on freedom of movement and contact with the outside world, as well as treatment measures in the case of the placement of a mentally abnormal offender in a public psychiatric hospital pursuant to Section 21(1) of the Criminal Code (Article 145).

Art. 140

Supplementary provisions

Articles 9 to 11 and 16 to 18 apply *mutatis mutandis*.

C. Committal to an institution for mentally abnormal offenders

Article 141

Purpose of placement

1) Commitment to an institution for mentally abnormal offenders is intended to prevent those committed from committing punishable acts under the influence of their mental or psychological abnormality. The placement shall improve the condition of the inmates to such an extent that they are no longer expected to commit punishable acts, and shall help the inmates to adopt a righteous attitude to life that is adapted to the requirements of community life.

2) Insofar as the period of detention is to be credited against the sentence imposed at the same time as the detention order (Section 24 (1) of the Criminal Code), the execution of the sentence shall also demonstrate the reprehensible nature of the conduct underlying the conviction. Art. 142

Commitment pursuant to Section 21 (1) of the Criminal Code

1) The following special provisions apply to the enforcement of placement pursuant to Section 21 (1) of the Criminal Code:

a) Taking into account their condition, inmates shall be treated in accordance with the principles and recognized methods of psychiatry, psychology, and pedagogy in order to achieve the purposes of imprisonment (Art. 141) and to maintain security and order in the institutions. The rights of inmates, which correspond to the rights granted to prisoners in Articles 19 to 123, may only be restricted to the extent that this is essential to achieve the aforementioned purposes. The rights of inmates, which correspond to the rights granted to prisoners in Articles 113 to 116, as well as the human dignity of inmates, must not be impaired. However, complaints that are clearly based solely on the mental or psychological abnormality of the person in custody and not on an infringement of their rights shall be dismissed without formal proceedings.

b) Subsection a also applies mutatis mutandis to orders issued generally or in individual cases concerning the obligations of inmates and measures taken against inmates who have committed acts that would be considered disciplinary offenses in the case of prisoners; Furthermore, such measures may not, in their overall effect, subject the persons placed in custody to less favorable treatment than would be permissible in the case of a prisoner.

2) Unless otherwise specified in paragraph 1, the provisions of Art. 143 shall also apply to the enforcement of detention pursuant to § 21 (1) of the Criminal Code. Art. 143

Commitment pursuant to Section 21 (2) of the Criminal Code

The following special provisions shall apply to the enforcement of placement pursuant to Section 21 (2) of the Criminal Code:

a) In order to achieve the purposes of the execution (Article 141), those placed in care shall receive medical, in particular psychiatric, psychotherapeutic, and educational care appropriate to their condition, and their mental health shall be promoted. Insofar as deviations from the provisions on the enforcement of placement (Art. 144) are necessary, the institution director shall order these deviations within the framework of Art. 142 (1) (a) and (b).

b) An interruption of the placement may only be granted if it can be assumed that the person placed will not commit any criminal offense during the period of interruption. In all other respects, Art. 91 applies *mutatis mutandis*. Art. 144

Supplementary provisions

1) Unless otherwise specified in Articles 141 to 143, Articles 19 to 126, 129 to 131, and 133 shall apply *mutatis mutandis*. The court shall hear the person committed before deciding on conditional release (Article 134) at least once every two years.

2) Before a decision on conditional release is made, the state police shall also be given the opportunity to comment.

Article 145

Enforcement through admission to suitable hospitals

1) Suitable hospitals are obliged to admit and detain persons committed pursuant to Art. 136 (4).

2) Interruptions, leave, and releases are only permitted in accordance with Art. 139 and 143(b) of this Act and § 47 of the Criminal Code.

D. Accommodation in an institution for offenders in need of rehabilitation

Article 146

Purposes of placement

1) The purpose of placement in an institution for offenders requiring rehabilitation is to rehabilitate the inmates from their abuse of intoxicating substances or narcotics, depending on their condition, to help them develop a righteous attitude to life that is adapted to the requirements of community life, and to prevent them from pursuing harmful tendencies.

2) Insofar as the period of detention is to be credited against the sentence imposed at the same time as the detention order (Section 24 (1) of the Criminal Code), the execution of the sentence shall also demonstrate the reprehensible nature of the conduct underlying the conviction. Art. 147

Special provisions

The following special provisions apply to placement in an institution for offenders in need of rehabilitation:

- a) In order to achieve the purposes of the sentence (Art. 146), those placed in the institution shall undergo withdrawal treatment and, depending on their condition, shall receive medical, in particular psychotherapeutic and educational, care and support to promote their mental health.
- b) Art. 143(b) applies accordingly to interruptions in accommodation.
- c) If a person in custody is not expected to be released on parole, the execution of the release must begin three months before the end of the detention period (Section 25 (1) of the Criminal Code).

Art. 148

Supplementary provisions

Unless otherwise specified in Articles 146 and 147, Articles 19 to 131 and 133 shall apply mutatis mutandis. The court shall hear the inmate at least once every two years before deciding on conditional release (Article 134).

E. Commitment to an institution for dangerous repeat offenders

Art. 149

Purpose of placement

Commitment to an institution for dangerous repeat offenders is intended to prevent those committed from pursuing harmful tendencies and to help them develop a righteous attitude to life that is adapted to the requirements of community life.

Art. 150

Commencement of the execution of release

If an inmate is not expected to be released on parole, the execution of the release shall commence six months before the expiry of the detention period (Section 25 (1) of the Criminal Code).

Art. 151

Supplementary provisions

Unless otherwise specified in Art. 149 and 150, Art. 19 to 90, 93 to 131, and 133 shall apply mutatis mutandis. A hearing of the inmate by the court

before deciding on conditional release (Article 134) must take place at least once every two years.

F. Concurrence of custodial sentences and preventive measures

Art. 152

1) In the case of placement in an institution for mentally abnormal offenders and in an institution for dangerous repeat offenders, the order of enforcement specified in § 24 of the Criminal Code shall be observed in relation to a custodial sentence to be enforced against the same offender, even if the custodial sentence was not imposed at the same time as the placement order.

2) If the same person is to be placed in an institution for offenders in need of rehabilitation and one or more prison sentences totaling more than two years are to be served, Art. 66 para. 1 lit. b shall apply.

3) The period of detention in an institution for mentally abnormal offenders or offenders in need of rehabilitation shall also be credited against sentences that were not imposed at the same time as the placement.

V. Procedure after conditional release

Article 153

Aftercare

A lawbreaker who is released on parole may be instructed to undergo detoxification treatment, psychotherapy, or other medical or psychological treatment (Section 51(3) of the Criminal Code).

Art. 154

Procedure

1) Art. 16 applies mutatis mutandis to proceedings following conditional release.

2) Before deciding on the revocation of conditional release, the court must always inspect the files relating to the criminal proceedings and, if possible, also hear the released person and, if a probation officer has been appointed, the probation officer. Before any intended extension of the probationary period pursuant to Section 53 (2) or (4) of the Criminal Code, a medical or psychological expert must be consulted. Before declaring that the release has become final, the state police must be given the opportunity to comment. In addition, a criminal record check must be obtained before this decision is made and, if a probation officer has been appointed, this officer must also be heard.

3) The court and the state police may take the released person into temporary custody if there is urgent suspicion that there are grounds for revoking the conditional release and there is reason to fear that the released person will flee or that further punishable acts are imminent. An appeal against provisional detention has no suspensive effect.

4) The state police must be notified of any conditional release that has become final.

VI. Penal provisions

Art. 155

1) Unless the offense is punishable by a more severe penalty under another provision, the regional court shall impose a fine of up to 20,000 Swiss francs for a misdemeanor, or in the event of non-payment, a prison sentence of up to three months, on anyone who intentionally and unlawfully:

a) communicates in writing or verbally or otherwise communicates with a person who is in provisional detention or in ordinary pre-trial detention, with a prisoner or with a person in custody;

b) transfers money or objects to or receives money or objects from any of the persons referred to in subparagraph a.

2) In cases of negligent commission, the maximum penalty shall be reduced by half.

3) Prison officers are authorized to establish the identity of a person caught in the act of committing an offense under paragraph 1. Art. 24 para. 2 of the Police Act applies *mutatis mutandis*.

VII. Transitional and final provisions

Art. 156

Implementing ordinance

The government shall issue the regulations necessary for the implementation of this Act and shall determine the responsibility for the state prison in the office plan. Art. 157

Repeal of previous law

Upon entry into force of this Act, the Prison Act of October 5, 1983, LGBI. 1983 No. 53, shall be repealed.

Art. 158

Entry into force

Penal Enforcement Act

~~(StVG)~~

This Act shall enter into force on January 1, 2008, subject to the expiry of the referendum period without action being taken, otherwise on the date of its promulgation.

VII. Road Traffic Act (SVG)

of June 30, 1978

I hereby approve the following resolution passed by the State Parliament:

I. Part

General provisions

Art. 1

Scope

- 1) This law regulates traffic on public roads as well as liability and insurance for damage caused by motor vehicles, bicycles, or vehicle-like devices.
- 2) The traffic regulations (Art. 24 ff) apply to drivers of motor vehicles and cyclists on all roads used for public transport, and to other road users only on roads that are fully or partially open to motor vehicles or bicycles.

Art. 2

Responsibilities

- 1) The government is authorized to:
 - a) Declaring roads necessary for general through traffic open to motor vehicle and bicycle traffic, with or without restrictions;
 - b) to issue driving bans, traffic restrictions, and traffic regulations for all roads in order to regulate traffic;
 - c) to issue temporary driving bans for all or individual types of motor vehicles;
 - d) to take measures for other types of vehicles and road users, insofar as they are not necessary for regulating motor vehicle and bicycle traffic;
 - e) restrict traffic on mountain postal roads;
 - f) to issue other restrictions or orders, insofar as this is necessary to protect residents or other affected parties from noise and air pollution, to ensure safety, to facilitate or regulate traffic, to protect the road, or for other reasons related to local conditions. For

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such reasons, traffic may be restricted and parking may be specially regulated, particularly in residential areas.

2) The government shall impose a night and Sunday driving ban on heavy motor vehicles for the transport of goods and determine the exceptions.

3) In special cases, the state police may take the necessary measures, namely temporarily restricting or diverting traffic.

Art. 3

Traffic obstacles

1) Traffic obstacles may not be created without compelling reasons; they must be clearly marked and removed as soon as possible.

2) Anyone who needs to break up the road, use it for storing materials or for similar purposes requires a permit from the Office for Civil Engineering and Geoinformation.

Art. 4

Signals and markings

1) Restrictions and regulations for motor vehicle and bicycle traffic must be indicated by signals or markings, unless they apply to the entire country.

2) Roads and squares that are obviously reserved for private use or special purposes do not require any special markings.

3) In areas open to motor vehicles or bicycles, only signals and markings provided by the government may be used, and these may only be installed by the government or with its authorization.

Art. 5

Advertisements

In the area of roads open to motor vehicles or bicycles, advertisements and other announcements that could be confused with signals or markings or otherwise distract road users and impair traffic safety are prohibited.

II. Part

Vehicles and drivers

1. Section

Motor vehicles and their drivers

Art. 6

Motor vehicles

For the purposes of this Act, a motor vehicle is any vehicle with its own means of propulsion that enables it to move on the ground independently of rails.

Art. 7

Construction and equipment

- 1) The government shall issue regulations on the construction and equipment of motor vehicles and their trailers.
- 2) In doing so, it shall issue orders that serve to ensure traffic safety and prevent noise, dust, smoke, odors, and other harmful or annoying effects of vehicle operation.

Art. 8

Dimensions and weight

- 1) The government shall issue regulations on the dimensions and weights of motor vehicles and their trailers. In doing so, it shall take into account the interests of traffic safety, the economy, infrastructure, and the environment, and shall take international regulations into consideration. At the same time as setting the level of road traffic charges, it may set the maximum permissible weight for vehicles or vehicle combinations at 40 tons, or 44 tons in combined transport.
- 2) The government shall determine the axle load and an appropriate ratio between the engine power and the total weight of the vehicle or vehicle combination.
- 3) The government may provide for exceptions for motor vehicles and trailers in regular service and for vehicles that require higher masses or weights due to their special purpose. It specifies the conditions under which other vehicles with higher masses or weights may be authorized to drive in individual cases where this is unavoidable.
- 4) At the request of the vehicle owner, the registered gross weight of a motor vehicle or trailer may be changed, but no more than once a year or when there is a change of ownership. The weight guarantees specified by the vehicle manufacturer may not be exceeded.
- 5) Signaled restrictions on the width, height, weight, and axle load of vehicles remain reserved in all cases.

Art. 9

Licenses

- 1) Motor vehicles and their trailers may only be driven on public roads with a vehicle registration certificate and license plates.
- 2) Anyone driving a motor vehicle must have a driver's license, and anyone undertaking learner drives must have a learner's permit.
- 3) Repealed
- 4) Licenses must be carried at all times and presented to the authorities upon request; the same applies to special permits.

Art. 10

Vehicle registration certificate

- 1) The government may only issue a vehicle registration certificate if the vehicle complies with the regulations, is roadworthy, and has the required liability insurance.
- 2) The vehicle registration certificate may be refused if the owner has not paid the motor vehicle taxes or fees for the vehicle. The registration certificate for vehicles manufactured abroad may only be issued once it has been proven that they have been cleared through customs or are exempt from customs clearance.
- 3) If a vehicle is transferred to another owner, a new vehicle registration certificate must be obtained.

Art. 11

Type approval

- 1) Motor vehicles and motor vehicle trailers manufactured in series are subject to type approval. The government may also subject the following to type approval:
 - a) components and equipment for motor vehicles and bicycles;
 - b) devices for other vehicles, insofar as traffic safety requires;
 - c) protective devices for vehicle users.
- 2) Vehicles and items subject to type approval may only be marketed in the approved design.
- 3) The government may waive Liechtenstein type approval for motor vehicles and motor vehicle trailers if:
 - a) a foreign type approval has been granted on the basis of equipment and testing requirements that are equivalent to those applicable in Liechtenstein; and
 - b) the necessary data is available.

4) Motor vehicles and motor vehicle trailers for which EEA-compliant type approval has been demonstrated do not require Liechtenstein type approval.

5) The government shall regulate the details by ordinance. Art. 12

Vehicle inspection

1) Before the certificate is issued, the vehicle must be officially inspected.

2) The government may waive the individual inspection of type-approved vehicles.

3) The vehicle may be inspected at any time; it must be re-inspected if significant changes have been made to it or if there are doubts about its operational safety.

4) The government requires regular re-inspections for vehicles. Art. 13

Driving aptitude and driving competence

1) Motor vehicle drivers must be fit to drive and competent to drive.

2) A person is fit to drive if they:

a) has reached the minimum age;

b) has the physical and mental capacity required to drive motor vehicles safely;

c) is free from any addiction that could impair their ability to drive motor vehicles safely; and

d) based on their previous behavior, can be trusted to observe the rules as a motor vehicle driver and to show consideration for others.

3) A person is considered competent to drive if they:

a) knows the traffic rules; and

b) can safely drive vehicles of the category for which the license is valid. Art.

13a

Learner's license

1) The government issues a learner's license if the applicant:

a) passes the theory test, thereby demonstrating that they know the traffic regulations;

b) demonstrates that they have the necessary physical and mental abilities to drive motor vehicles safely.

2) The evidence referred to in paragraph 1(b) must be provided:

- a) by professional motor vehicle drivers: by means of a medical certificate from a medical examiner;
- b) by other motor vehicle drivers: by means of an officially recognized eye test and a self-declaration regarding their state of health.

Art. 14

Training and further training of motor vehicle drivers

- 1) Learner drivers may only drive motor vehicles accompanied by a person who is at least 23 years of age and has held the relevant driver's license for at least three years.
- 2) The accompanying person shall ensure that the learner driver drives safely and does not violate traffic regulations.
- 3) Anyone who gives driving lessons on a commercial basis requires a driving instructor's license.
- 4) The government issues regulations on the training of motor vehicle drivers. It may stipulate that part of the training must be carried out by a holder of a driving instructor's license. The government may set the maximum rate for compulsory driving lessons.
- 5) The government may issue regulations on the further training of motor vehicle drivers.
- 6) The government may require applicants for a driver's license to undergo first aid training.

Art. 14a

Driver's license

The government shall issue a driver's license if the applicant:

- a) has completed the prescribed training; and
- b) has passed the practical driving test. Art. 14b

Assessment of driving aptitude or driving competence

- 1) If there are doubts about a person's fitness to drive, they will be subjected to a driving aptitude test.
- 2) Any doctor may report to the government or the health department a person who, due to a physical or mental illness, disability, or addiction, is unable to drive motor vehicles safely; the doctor is released from professional confidentiality with regard to such reports.

3) If there are doubts about a person's driving ability, they may be required to take a test drive, a theory test, a practical driving test, or undergo other appropriate measures such as training, further training, or retraining.

Art. 14c

Suspension period after driving without a license

Anyone who has driven a motor vehicle without a driver's license will not be issued a learner's permit or driver's license for at least six months after the offense. If the person reaches the minimum age only after the offense, the suspension period begins at that point in time.

Art. 15

Withdrawal of licenses

1) Licenses and permits shall be revoked by the government if it is determined that the legal requirements for their issuance do not or no longer exist; they may be revoked if the restrictions or conditions associated with their issuance in individual cases are disregarded.

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2) The driver's license or learner's permit may be revoked if the driver violates traffic rules and thereby endangers traffic or causes a nuisance to others. In minor cases, a warning may be issued if no administrative measures have been taken in the previous two years. In particularly minor cases, a warning may also be waived.

3) The driver's license or learner's permit must be revoked if the driver:

- a) has seriously endangered traffic,
- b) has driven a motor vehicle while unfit to drive (Art. 29 para. 2 and Art. 51 para. 4),
- c) fled the scene after injuring or killing a person,
- d) has stolen a motor vehicle for use,
- e) is unwilling or unable to drive without endangering or inconveniencing others,
- f) has used a motor vehicle to commit a crime or to commit multiple intentional offenses,
- g) has deliberately refused to undergo a blood test or a preliminary examination regulated by the government (Art. 51) that was ordered or that he or she could have expected to be ordered

or has refused or evaded an additional medical examination or has thwarted the purpose of these measures.

3a) When determining the duration of the driving license or learner's permit suspension, the circumstances of the individual case must be taken into account, namely the danger to traffic safety, the fault, the reputation as a motor vehicle driver, and the professional necessity of driving a motor vehicle. However, the minimum period of withdrawal may not be reduced, unless the penalty has been mitigated in accordance with Art. 95 para. 4, third sentence.

4) The vehicle registration certificate may be revoked for an appropriate period of time:

- a) if the license and license plates have been misused;
- b) if and as long as motor vehicle taxes or fees for vehicles belonging to the same owner have not been paid.

Duration of driver's license revocation

Art. 16

a) After an offense

1) A person's driver's license or learner's permit will be revoked after an offense for:

- a) at least one month;
- b) at least two months if the driver has seriously endangered traffic;
- b) at least three months if the driver:
 - 1. has driven a motor vehicle while unfit to drive; or
 - 2. deliberately refused or evaded a blood test or a preliminary examination (Art. 51) ordered by the government, or an additional medical examination, or thwarted the purpose of these measures;
- c) at least six months if:
 - 1. the driver has driven a motor vehicle despite having their license revoked; or
 - 2. the driver's license must be revoked due to a violation under letter b or b, which he committed within two years of the expiry of the last revocation;
- d) at least one year if, within five years of the expiry of a previous withdrawal, the driver:

1. has driven a motor vehicle while unfit to drive due to the influence of alcohol, narcotics, or medication; or
2. has again deliberately thwarted a measure to determine unfitness to drive (letter b, no. 2) due to thwarting a measure to determine unfitness to drive (letter b, no. 2).

1bis) Repealed

2) Repealed

3) Repealed

Art. 16a

b) In the event of unfitness to drive

1) A driver's license or learner's permit shall be revoked indefinitely if:

a) their physical and mental abilities are not or are no longer sufficient to drive a motor vehicle safely;

b) they suffer from an addiction that excludes them from driving;

c) their previous behavior does not guarantee that they will observe the rules and show consideration for other people when driving a motor vehicle in the future.

2) If the withdrawal under paragraph 1 replaces a withdrawal under Art. 16, it is subject to a suspension period that runs until the end of the minimum withdrawal period specified for the offense committed.

3) Persons who are incorrigible will have their licenses revoked permanently. Art. 16b

Reissuance of driver's licenses

1) A driver's license or learner's permit that has been revoked for a long period of time may be reissued conditionally and subject to appropriate conditions after a period of at least six months if the behavior of the person concerned shows that the administrative measure has served its purpose. The minimum revocation period (Art. 16 para. 1 lit. d) may not be reduced.

2) A driver's license or learner's permit that has been revoked for an indefinite period may be reissued conditionally and subject to conditions if any statutory or imposed suspension period has expired and the person concerned can demonstrate that they have remedied the deficiency that led to the disqualification from driving.

3) A driver's license that has been revoked permanently may only be reissued under the conditions set out in Art. 22.

4) If the person concerned disregards the conditions or otherwise abuses the trust placed in them, the license must be revoked again.

2. Section

Non-motorized vehicles and their drivers

Article 17

Bicycles

1) Bicycles must comply with the regulations.

2) The government shall issue regulations on the construction and equipment of bicycles and their trailers.

3) The government may order municipalities to carry out inspections of bicycles.

Art. 18

Cyclists

1) Children under the age of six may only ride bicycles on main roads under the supervision of a person aged 16 or older.

2) Anyone suffering from a physical or mental illness or addiction that prevents them from cycling safely is not allowed to cycle. The government may prohibit such persons from cycling.

3) Similarly, the government may prohibit a cyclist who has seriously endangered traffic or done so repeatedly, or who has cycled while intoxicated, from cycling. The minimum duration of the cycling ban is one month.

4) Cyclists whose suitability is in doubt may be required to take a test.

Art. 19

Other vehicles

Other vehicles may not be used on roads open to motor vehicles if they are wider than 2.50 m when loaded. The government provides for exceptions, particularly in consideration of the needs of agriculture.

Art. 20

Carriers

1) Anyone who has reached the age of fourteen may drive animal-drawn vehicles.

2) Anyone suffering from a physical or mental illness or addiction that prevents them from driving a vehicle safely may not drive an animal-drawn vehicle. The government may prohibit such a person from driving an animal-drawn vehicle.

3. Section

Common provisions

Art. 21

Procedure

The refusal and withdrawal of a vehicle or driver's license, as well as the prohibition of cycling or driving animal-drawn vehicles, must be ordered in writing and justified. Before a driver's license is withdrawn or a driving ban imposed, the person concerned must generally be heard.

Art. 22

Duration of the measures

If a measure imposed on a driver has lasted for five years, the government must, upon request, issue a new order if it can be credibly demonstrated that the conditions for the measure no longer apply.

Art. 23

Supplement to the registration regulations

1) The government may exempt the following types of vehicles and their trailers, as well as their drivers, in whole or in part from the provisions of this Act and, if necessary, establish supplementary regulations for them:

- a) Bicycles with auxiliary motors, motorized handcarts, and other vehicles with low engine power or speed, as well as those that are rarely used on public roads
- b) Agricultural tractors with limited speed and agricultural trailers,
- c) Work machines and motorized carts.

2) The government issues regulations on:

- a) lights and reflectors on non-motorized road vehicles,
- b) foreign motor vehicles and bicycles and their drivers, as well as international vehicle and driver's licenses,
- c) driving instructors and their vehicles,

- d) licenses and license plates, including those valid for a short period, for tested or untested motor vehicles and trailers, as well as companies in the motor vehicle industry,
 - e) marking of special vehicles,
 - f) Warning signals of fire brigade, ambulance, and police vehicles, as well as vehicles of the postal service on mountain postal roads,
 - g) advertisements on motor vehicles,
 - h) Repealed
 - i) Devices for recording driving time, speed, and the like; it prescribes such devices in particular for monitoring the working hours of professional motor vehicle drivers and, where applicable, for vehicles belonging to persons who have been penalized for speeding.
- 3) The government shall issue regulations on:
- a) minimum physical and mental requirements that motor vehicle drivers must meet,
 - b) the conduct of vehicle and driver tests,
 - c) minimum requirements for the experts who conduct the tests,
 - d) the rental of motor vehicles to self-drivers,
 - e) traffic education for motor vehicle drivers and cyclists who have repeatedly violated traffic rules,
 - f) Content and scope of the driving aptitude test and the procedure in cases of doubt,
 - g) Minimum requirements for persons conducting driving aptitude tests, for the testing procedure, and for quality assurance.
- 3bis) The government may require additional training for drivers who have held a driver's license for less than one year and who have violated a traffic rule in a manner that endangers traffic safety.
- 4) The government promotes the improvement of traffic safety, in particular through traffic education.

III. Part Traffic

rules Art. 24

Basic rule

1) Everyone must behave in traffic in such a way that they neither obstruct nor endanger others in the proper use of the road.

2) Particular caution is required in relation to children, the infirm, and the elderly, as well as when there are indications that a road user will not behave correctly.

1. Section

Rules for all road users

Art. 25

Observing signals, markings, and instructions

1) Signals, markings, and police instructions must be obeyed. Signals and markings take precedence over general rules, and police instructions take precedence over general rules, signals, and markings.

2) Fire, ambulance, police, and customs vehicles must be given immediate right of way when their special warning signals are activated. Vehicles must be stopped if necessary.

Art. 26

Behavior at railroad crossings

Vehicles must stop before railroad crossings when barriers are closing or signals are indicating to stop and, where there are no such barriers or signals, when railroad vehicles are approaching.

2. Section

Rules for driving

a) General driving rules

Art. 27

Operational safety

Vehicles may only be driven if they are in a safe operating condition and comply with regulations. They must be designed and maintained in such a way that traffic regulations can be observed and that drivers, passengers, and other road users are not endangered and the roads are not damaged.

Art. 28

Passengers, cargo, trailers

1) Drivers may only carry passengers on motor vehicles and bicycles in the seats provided for this purpose. The government may provide for exceptions; it shall issue regulations on the carriage of passengers in trailers.

SVG

2) Vehicles must not be overloaded. Cargo must be secured in such a way that it does not endanger or inconvenience anyone and cannot fall off. Overhanging cargo must be clearly marked during the day and at night.

3) Motor vehicles may only be used for towing trailers and vehicles if they have sufficient traction and brakes and the towing device is safe to use.

4) The government shall issue regulations on the transport of animals and dangerous, harmful, or disgusting substances and objects.

Art. 29

Control of the vehicle

1) The driver must be in control of the vehicle at all times so that he can fulfill his duty of care.

2) Anyone who, due to the influence of alcohol, narcotics, or medication, or for other reasons, does not have the necessary physical and mental capacity is considered unfit to drive during this time and may not drive a vehicle.

2a) The government may prohibit the following groups of persons from driving under the influence of alcohol:

a) Persons who carry out licensed or cross-border passenger transport by road (Art. 9 para. 1 and Art. 10 para. 1 of the Passenger Transport Act and Art. 4 para. 1 of the Road Transport Act);

b) Persons who professionally transport passengers or goods using heavy motor vehicles or who transport dangerous goods;

c) Driving instructors;

d) Holders of a learner's permit;

e) Persons accompanying learner drivers.

2b) The government shall determine the blood alcohol concentration and breath alcohol concentration at which driving under the influence of alcohol is deemed to have occurred.

3) The driver must ensure that they are not obstructed by the load or in any other way.

Passengers must not obstruct or disturb them.

Art. 30

Speed

- 1) Speed must always be adapted to the circumstances, in particular the characteristics of the vehicle and its load, as well as road, traffic, and visibility conditions. Where the vehicle could disrupt traffic, it must be driven slowly and, if necessary, stopped, in particular before blind spots, intersections with poor visibility, and railroad crossings.
- 2) In built-up areas, the general speed limit on municipal roads is set at 30, 40, or 50 km/h upon request and in consultation with the respective municipality.
- 3) In municipalities or centers without through traffic, the general maximum speed may also be set on rural roads in accordance with paragraph 2.
- 4) The government limits the speed of motor vehicles on all roads.

Art. 31

Obligations towards pedestrians

- 1) Pedestrians must be allowed to cross the road in an appropriate manner.
- 2) Drivers must drive with particular caution at pedestrian crossings and, if necessary, stop to give way to pedestrians who are already on the crossing or about to step onto it.
- 3) At public transport stops, consideration must be given to people getting on and off.

b) Individual traffic situations

Art. 32

Driving on the right

- 1) Vehicles must drive on the right, on wide roads within the right-hand half of the carriageway. They must keep as close as possible to the right-hand edge of the road, especially when driving slowly and on blind stretches.
- 2) On roads with safety lines, vehicles must always drive to the right of these lines.
- 3) Drivers who wish to change direction, such as when turning, overtaking, merging, or changing lanes, must take into account oncoming traffic and vehicles behind them.

4) Adequate distance must be maintained from all road users, especially when crossing and overtaking, as well as when driving side by side or one behind the other.

Art. 33

Crossing, overtaking

- 1) Crossing must be done on the right, overtaking on the left.
- 2) Overtaking and passing obstacles is only permitted if there is sufficient space and no oncoming traffic. In traffic, overtaking is only permitted if you are certain that you can merge back into your lane in good time and without obstructing other vehicles.
- 3) When overtaking, drivers must show particular consideration for other road users, especially those they are overtaking.
- 4) Overtaking is not permitted on blind bends, on and immediately before level crossings without barriers, or before hilltops; on road junctions, it is only permitted if they are clear and the right of way of others is not affected.
- 5) Vehicles may not be overtaken if the driver indicates their intention to turn left or if they stop in front of a pedestrian crossing to allow pedestrians to cross the road.
- 6) Vehicles that have moved into the left lane to turn left may only be overtaken on the right.
- 7) The road must be cleared for overtaking by vehicles that are approaching at higher speed. Vehicles being overtaken must not increase their speed.

Art. 34

Lane positioning, right of way

- 1) If you want to turn right, you must keep to the right-hand side of the road; if you want to turn left, you must keep to the center of the road.
- 2) At intersections, vehicles coming from the right have right of way. Vehicles on marked main roads have right of way, even if they are coming from the left. This does not apply to traffic signals or police instructions.
- 3) Before turning left, you must give way to oncoming vehicles.

4) Drivers who wish to merge into traffic, turn around, or reverse must not obstruct other road users; these have right of way. Art. 35

Stopping, parking

1) Drivers who wish to stop must, as far as possible, take account of the vehicles behind them.

2) Vehicles may not be stopped or parked where they could obstruct or endanger traffic. Where possible, they should be parked in parking spaces.

3) Drivers must secure their vehicles appropriately before leaving them.

c) Safety precautions

Art. 36

Signaling

1) Every change of direction must be indicated in good time using the direction indicator or clear hand signals. This applies in particular to:

- a) lane changing, turning,
- b) overtaking and turning around,
- c) merging into traffic, and stopping at the roadside.

2) Signaling does not release the driver from the obligation to exercise due caution.

Art. 37

Warning signals

Where traffic safety requires it, the driver must warn other road users. Unnecessary and excessive warning signals must be avoided. Calling signals with the warning device are prohibited.

Art. 38

Vehicle lighting

1) Motor vehicles must always be illuminated while driving; other vehicles only from dusk until dawn and in poor visibility conditions.

2) Parked motor vehicles and multi-track non-motorized vehicles must be illuminated from dusk until dawn and in poor visibility conditions

visibility, except in parking lots or in areas with sufficient street lighting.

2a) The government may, in certain cases, require reflectors instead of lights.

3) Vehicles may not have red lights at the front or white lights or reflectors at the rear.

The government may grant exceptions.

4) Lighting must be used in such a way that no one is unnecessarily dazzled. Art. 39

Avoiding nuisance

1) The driver must refrain from any avoidable nuisance to road users and residents, in particular through noise, dust, smoke, and odor, and must avoid frightening animals as far as possible.

2) The use of loudspeakers on motor vehicles is prohibited, except for communications to passengers. The government may grant exceptions in individual cases.

d) Rules for special road conditions

Art. 40

Traffic separation

1) Roads that are not suitable or obviously not intended for motor vehicle or bicycle traffic, such as footpaths and hiking trails, may not be used by such vehicles.

2) The sidewalk is reserved for pedestrians, the bike path for cyclists. The government may grant exceptions.

3) Only the types of motor vehicles designated by the government may be used on roads reserved for motor vehicles. Access is prohibited, and entry is only permitted at the designated points. The government may issue regulations on use and special traffic rules. Art. 41

Lanes, convoy traffic

1) On roads that are divided into several lanes for traffic in the same direction, drivers may only leave their lane if this does not endanger other traffic.

2) The same applies mutatis mutandis when convoys of vehicles are traveling side by side in the same direction on wide roads without lanes.

Art. 42

Steep roads, mountain roads

- 1) On roads with steep gradients and on mountain roads, drivers must drive in such a way that the brakes are not subjected to excessive strain. Where it is difficult to pass, the vehicle traveling downhill must stop in good time. If it is not possible to pass, the vehicle traveling downhill must reverse, unless the other vehicle is obviously closer to a passing place.
- 2) The government may issue further regulations for mountain roads and provide for exceptions to the traffic rules.

e) Special types of vehicles

Art. 43

Rules for cyclists

- 1) Cyclists must use cycle paths and lanes.
- 2) Cyclists may not ride side by side. The government may provide for exceptions.
- 3) Cyclists may not be pulled by vehicles or animals. Art. 44

Rules for motorcyclists

- 1) Motorcyclists may not ride side by side, unless this appears necessary when riding in a convoy of motor vehicles.
 - 2) When traffic is stopped, motorcyclists must maintain their position in the line of vehicles.
3. Section

Rules for other traffic

Art. 45

Pedestrians

- 1) Pedestrians must use the sidewalks. Where there are no sidewalks, they must walk at the edge of the road and, if special hazards require it, walk in single file. Unless special circumstances prevent it, they must keep to the left side of the road, especially outside built-up areas at night.
- 2) Pedestrians must cross the road carefully and by the shortest route, using a pedestrian crossing where possible. They have right of way on this crossing, but must not step onto it unexpectedly.

Art. 46

Horse riders, animals

- 1) Horse riders must keep to the right-hand side of the road.
- 2) Livestock must not be allowed on the road unattended, except in designated grazing areas.
- 3) Herds of livestock must be accompanied by the necessary herders; the left-hand side of the road must be kept clear for other traffic wherever possible. Individual animals must be led on the right-hand side of the road.
- 4) Horse riders and animal handlers must observe the rules of the road (keeping in lane, giving way, signaling, etc.) when participating in traffic.

4. Section

Behavior in the event of accidents

Art. 47

- 1) If an accident involving a motor vehicle or bicycle occurs, all parties involved must stop immediately. They must ensure the safety of traffic as far as possible.
- 2) If people are injured, all those involved must provide assistance, including bystanders, insofar as this is reasonable. Those involved, primarily the drivers, must notify the state police. All parties involved, including passengers, must cooperate in establishing the facts of the accident. Without the consent of the state police, they may only leave the scene of the accident if they themselves need help or to call for help or the state police.
- 3) If only property damage has occurred, the person responsible for the damage must immediately notify the injured party and provide their name and address. If this is not possible, they must notify the state police immediately.
- 4) In the event of accidents at railroad crossings, those involved must notify the railroad administration immediately.

5. Section

Sporting events, test drives

Art. 48

Sporting events

- 1) Public circuit races with motor vehicles are prohibited. The government may grant individual exceptions or extend the ban to other types of motor vehicle races; in making its decision, it shall take into account, above all, the requirements of traffic safety and traffic education.

- 2) Other motor and cycling events on public roads, with the exception of excursions, require the approval of the government.
- 3) The permit may only be granted if:
 - a) the organizers guarantee flawless execution,
 - b) that consideration for traffic permits it,
 - c) the necessary safety measures are taken,
 - d) the required liability insurance has been taken out.
- 4) The government may grant exemptions from traffic regulations if sufficient safety measures have been taken.

Art. 49

Test drives

Test drives during which traffic regulations or vehicle regulations cannot be observed require the approval of the government. The government shall order the necessary safety measures.

6. Section Implementation

provisions Art. 50

Traffic police

- 1) Traffic control on public roads is the responsibility of the state police, subject to the powers of the municipal police.
- 2) The state police:
 - a) provides assistance and traffic education, prevents violations, reports offenders, and issues fixed penalties in accordance with the Fixed Penalty Act; Art. 95 para. 1a remains reserved;
 - b) records the facts of traffic accidents that must be reported in accordance with Art. 47;
 - c) carries out regular traffic checks.
- 3) The government regulates the details by ordinance. It may entrust other agencies with enforcement tasks in connection with customs inspections of vehicles and cargo.

Art. 50a

Special powers of the state police

- 1) The state police may check identification documents and permits:
 - a) on public roads: at any time;

b) outside public roads: to investigate violations and accidents that are related to the check in terms of location and time.

2) If the state police detects vehicles in traffic that are not registered, whose condition or load endangers traffic, or that generate avoidable noise, it will prevent them from continuing their journey. It may confiscate the vehicle registration and, if necessary, impound the vehicle.

3) If a driver is in a condition that prevents them from driving the vehicle safely, or if they are not allowed to drive for another legal reason, the state police will prevent them from continuing their journey and confiscate their driver's license.

4) If a motor vehicle driver has proven to be particularly dangerous by grossly violating important traffic rules or has deliberately caused avoidable noise, the state police may confiscate their driver's license on the spot.

5) Identity cards confiscated by the state police must be forwarded immediately to the government, which shall decide without delay on their revocation. Until such a decision is made, the confiscation of an identity card by the state police shall have the effect of revocation.

6) If the state police detect vehicles in traffic that do not comply with the provisions on passenger transport or registration as road transport companies, they may prevent them from continuing their journey, confiscate the vehicle registration certificate and, if necessary, impound the vehicle.

Art. 51

Determination of unfitness to drive

1) Drivers and road users involved in accidents who show signs of being unfit to drive may be subjected to a breath alcohol test and, if the signs of unfitness to drive are not or not solely attributable to the influence of alcohol, to further preliminary tests, namely urine, saliva, and sweat tests.

1a) Drivers pursuant to Art. 29 para. 2a may be subjected to a breath alcohol test even if there are no signs of unfitness to drive.

2) A blood sample must be ordered if:

a) there are signs of driving incapacity;

b) there are signs that drivers under Art. 29 para. 2a are disregarding the prohibition on driving under the influence of alcohol.

3) The blood sample may be taken against the will of the suspect for important reasons if ordered by the district court. Other means of evidence for determining driving incapacity remain reserved.

4) The government:

a) determines the blood alcohol concentration at which, regardless of further evidence and individual alcohol tolerance, driving incapacity within the meaning of this law is assumed (drunkenness);

b) may specify other substances that impair driving ability, at which concentrations in the blood, regardless of further evidence and individual tolerance, driving incapacity within the meaning of this Act is assumed;

c) issues regulations on preliminary examinations (para. 1), the procedure for blood sampling, the evaluation of this sample, and the additional medical examination of the person suspected of being unfit to drive;

d) may stipulate that samples obtained in accordance with this article, namely blood, hair, and nail samples, be evaluated to determine whether a person has an addiction that impairs their fitness to drive;

e) determines who is responsible for ordering the measures referred to in paragraphs 1 and 2.

Art. 52

Working and rest periods for professional motor vehicle drivers

1) The government regulates the working and attendance times of professional motor vehicle drivers. It ensures that they have sufficient daily rest periods and days off so that their workload does not exceed that stipulated by law for comparable activities. It ensures effective monitoring of compliance with these provisions.

2) The government regulates the application of the provisions on working and rest periods:

a) to professional drivers who carry out journeys abroad with motor vehicles registered in Liechtenstein,

b) to professional drivers who drive foreign-registered motor vehicles in the Principality of Liechtenstein.

3) The government may prohibit the wages of professional motor vehicle drivers from being calculated on the basis of the distance traveled or the quantity of goods transported.

Art. 53

Supplement to the traffic regulations

- 1) The government may issue further traffic regulations and provide for exceptions to the traffic rules in special circumstances, namely for one-way streets.
- 2) It designates the main roads with right of way.
- 3) It issues regulations on:
 - a) signaling by the police and the identification of traffic police,
 - b) the inspection of vehicles and their drivers at the national border.
- 4) Repealed
- 5) The government may prescribe that safety devices such as seat belts and protective helmets must be used.

7. Section

Disruption of road traffic controls

Art. 53a

- 1) Devices and equipment that hinder, interfere with, or render ineffective the official control of road traffic (e.g., radar warning devices) may not be placed on the market or purchased, nor may they be installed in vehicles, carried in them, attached to them, or used in any form.
- 2) Placing on the market means manufacturing, importing, advertising, passing on, selling, and any other form of distribution or transfer.
- 3) The control authorities shall seize such devices and equipment. The court shall order their confiscation and destruction.

IV. Part

Liability and insurance

1. Section

Liability

Art. 54

Liability of the motor vehicle owner

- 1) If a person is killed or injured or property damage is caused by the operation of a motor vehicle, the owner is liable for the damage.
- 2) If a traffic accident is caused by a motor vehicle that is not in operation, the owner shall be liable if the injured party proves that the owner or

persons for whom he is responsible is at fault or that the defective condition of the motor vehicle contributed to the accident.

3) At the discretion of the judge, the owner is also liable for damage resulting from assistance provided after accidents involving his motor vehicle, provided that he is liable for the accident or that the assistance was provided to himself or the occupants of his vehicle.

4) The owner is liable for the fault of the driver and the involvement of the persons providing assistance as if it were his own fault.

Art. 55

Reduction or exclusion of owner liability

1) The owner shall be released from liability if he proves that the accident was caused by force majeure or gross negligence on the part of the injured party or a third party, without any fault on his part or on the part of persons for whom he is responsible, and without any defective condition of the vehicle having contributed to the accident.

2) If the owner, who is not exempt under paragraph 1, proves that the injured party contributed to the accident through negligence, the judge shall determine the liability for compensation after considering all circumstances.

3) According to the provisions of the ABGB (Austrian Civil Code), the following shall apply:

- a) the liability between the keeper and the owner of a vehicle for damage to that vehicle,
- b) the liability of the keeper for damage to goods transported in his vehicle, with the exception of items carried by the injured party, namely luggage and the like; the provisions on postal traffic remain reserved.

Art. 56

Multiple tortfeasors

1) If, in an accident involving a motor vehicle, several parties are liable for compensation for damage to a third party, they shall be jointly and severally liable.

2) The damage shall be apportioned among the parties liable, taking into account all circumstances. Several motor vehicle keepers shall bear the damage in proportion to their respective fault, unless special circumstances, namely the operational risks, justify a different apportionment.

Art. 57

Compensation between motor vehicle owners

1) If a keeper suffers physical injury in an accident involving several motor vehicles, the damage shall be apportioned among the keepers of all the motor vehicles involved in proportion to their respective degrees of fault, unless special circumstances, in particular operational risks, justify a different apportionment.

2) Another owner shall only be liable for property damage caused by an owner if the injured party proves that the damage was caused by the fault or temporary loss of judgment of the defendant owner or a person for whom he is responsible, or by the defective condition of his vehicle.

3) Several owners liable for compensation shall be jointly and severally liable to the injured owner. Art. 58

Damages, compensation

1) The nature and extent of damages and the award of compensation shall be governed by the provisions of the ABGB.

2) If the deceased or injured person had an unusually high income, the court may reduce the compensation appropriately, taking all circumstances into account.

3) Payments to the injured party from a private insurance policy whose premiums were paid in whole or in part by the owner shall be credited against the owner's liability for compensation in proportion to his premium contribution, unless the insurance contract provides otherwise.

2. Section

Insurance Art.

59

Insurance obligation

1) No motor vehicle may be put into public traffic before liability insurance has been taken out in accordance with the following provisions.

2) The insurance covers the liability of the owner and the persons for whom he is responsible under this law, at least in those countries where the Liechtenstein license plate is valid as proof of insurance.

3) The following may be excluded from the insurance:

a) Claims by the owner arising from property damage caused by persons for whom he is responsible under this law;

- b) Claims arising from property damage caused by the owner's spouse or registered partner, his relatives in the ascending and descending line, and his siblings living in the same household;
- c) Claims arising from property damage for which the keeper is not liable under this Act;
- d) Claims arising from accidents during races for which insurance is required under Art. 68.

Article 60

Minimum insurance

The government shall determine the amounts that must be covered by liability insurance as compensation claims by injured parties for personal injury and property damage.

Article 61

Direct claim against the insurer, defenses

- 1) The injured party has a direct claim against the insurer within the scope of the contractual insurance coverage.
- 2) Defenses arising from the insurance contract or the Insurance Contract Act cannot be raised against the injured party.
- 3) The insurer has a right of recourse against the policyholder or the insured person to the extent that it would be entitled to refuse or reduce its benefits under the insurance contract or the Insurance Contract Act. Art. 62

Multiple injured parties

- 1) If the claims to which the injured parties are entitled exceed the contractual insurance coverage, the claim of each injured party against the insurer shall be reduced in proportion to the insurance coverage in relation to the total amount of the claims.
- 2) The injured party who is the first to bring an action and the defendant insurer may request the court seized to order the other injured parties to bring their claims before the same court within a specified period, indicating the legal consequences. The court seized shall decide on the distribution of the insurance benefit among the multiple claims. When distributing the insurance benefit, the claims asserted within the time limit shall be covered in advance, regardless of the others.

3) If the insurer, unaware of other claims, has made a payment in good faith to an injured party that exceeds their proportionate share, it shall also be released from its obligation to the other injured parties to the extent of its payment.

Art. 63

Change of owner, replacement vehicles

1) In the event of a change of owner, the rights and obligations under the insurance contract shall pass to the new owner. If the new vehicle registration certificate is issued on the basis of another liability insurance policy, the old contract shall expire.

2) The previous insurer is entitled to withdraw from the contract within 14 days of becoming aware of the change of owner.

3) If the owner uses a replacement vehicle of the same category with the same license plates instead of the insured vehicle, the insurance shall apply exclusively to this replacement vehicle.

4) A replacement vehicle may only be used with the permission of the government. If it is used for more than 30 days, the owner must notify the insurer. If the owner fails to do so or if official permission for the use of the replacement vehicle has not been obtained, the insurer shall have the right of recourse.

Art. 64

Proof of insurance, suspension and termination of insurance

1) The insurer must issue an insurance certificate to the government, which issues the vehicle registration certificate.

2) Suspension and termination of insurance must be reported by the insurer to the government and, unless the insurance has been replaced by another policy, shall only take effect vis-à-vis injured parties once the vehicle registration certificate and license plates have been surrendered, but no later than 60 days after receipt of the insurer's notification. The government shall confiscate the vehicle registration certificate and license plates as soon as the notification is received.

3) If the license plates are deposited with the government, the insurance shall be suspended. The government shall notify the insurer thereof.

4) Provisions stipulating that the insurance expires if the vehicle is registered in another contracting state of the EEA Agreement are void.

Art. 64a

Certificate of claims history and no-claims record

The insurer shall issue the policyholder with certificates of claims history or no claims upon request. The government shall regulate the details by ordinance.

3. Section **Special**

cases Art. 65

Motor vehicle trailers; towed motor vehicles

- 1) The owner of the towing motor vehicle shall be liable for damage caused by a trailer or a towed motor vehicle; the provisions on liability for motor vehicles shall apply mutatis mutandis. If the towed motor vehicle is driven by a driver, its owner shall be jointly and severally liable with the owner of the towing vehicle.
- 2) The insurance of the towing vehicle also covers liability for damage caused:
 - a) by the trailer;
 - b) by the towed motor vehicle that is not being driven by a driver;
 - c) by the towed motor vehicle that is driven by a driver and is not insured.
- 3) Trailers for passenger transport may only be put into service if supplementary insurance for the trailer covers the minimum insurance for the entire vehicle combination as specified by the government in accordance with Art. 60.
- 4) The liability of the owner of the towing vehicle for physical injury to passengers in trailers and the liability for damage between the towing vehicle and the towed motor vehicle are governed by this law. The owner of the towing vehicle is liable for damage to the trailer in accordance with the provisions of the ABGB (Austrian Civil Code).

Art. 66

Bicycles

Cyclists are liable in accordance with the provisions of the ABGB. Art. 67

Motor vehicle businesses

- 1) Entrepreneurs in the motor vehicle industry are liable as owners for damage caused by a motor vehicle that has been handed over to them for storage,

repair, maintenance, conversion, or similar purposes. The owner and his liability insurer are not liable.

2) These entrepreneurs, as well as those who manufacture or trade in motor vehicles, must take out liability insurance for all of their own motor vehicles and those entrusted to them. The provisions on keeper insurance apply *mutatis mutandis*.

Art. 68

Racing

1) The provisions of this article apply to motor and cycling events in which the evaluation is based primarily on the speed achieved or an average speed of more than 50 km/h is required. They also apply if the route is closed to other traffic. The government may include other events.

2) The organizers are liable, in accordance with the provisions on the liability of motor vehicle owners, for damage caused by participants' vehicles, support vehicles, or other vehicles used in the service of the event.

3) Liability for damage to racers and their passengers, as well as to vehicles used in the service of the event, is not governed by this law.

4) Insurance must be taken out to cover the liability of the organizers, participants, and assistants towards third parties, such as spectators, other road users, and residents. The government shall determine the minimum coverage according to the circumstances; however, in the case of motor vehicle races, this shall not be less than that provided by ordinary insurance. Articles 61 and 62 shall apply *mutatis mutandis*.

5) If, in the case of a race that has not been officially approved, damage is covered by the ordinary insurance of the motor vehicle that caused the damage, the cyclist who caused the damage, or his or her private liability insurance, the insurer or the cyclist shall have recourse against those liable who knew or, with due care, could have known that no special insurance was in place for the race.

Art. 69

Motor vehicles and bicycles belonging to the state

1) As the owner of motor vehicles, the state is subject to the liability provisions of this law, but not to the insurance obligation. In addition, motor vehicles for which the state assumes the obligation to provide coverage as an insurer are exempt from the insurance obligation.

2) Repealed

3) The state shall settle claims caused by motor vehicles, trailers, and bicycles for which it is liable in accordance with the provisions applicable to liability insurance. It shall notify the information center (Art. 75a) of the body responsible for settling the claim.

Art. 70

National Insurance Bureau

1) The insurance companies licensed to operate motor vehicle liability insurance in Liechtenstein jointly form and operate the National Insurance Bureau, which has its own legal personality.

2) The National Insurance Bureau has the following tasks:

- a) it covers liability for damage caused by foreign motor vehicles and trailers in Liechtenstein, insofar as insurance is compulsory under this law;
- b) it operates the information center in accordance with Art. 75a;
- c) it coordinates the conclusion of border insurance policies for motor vehicles entering Liechtenstein that do not have the required insurance cover.

3) The government regulates:

- a) the obligation to take out border insurance;
- b) the coordination of social security benefits with compensation payments from the National Insurance Bureau.

4) It may exclude or limit provisional measures to secure claims for compensation for damage caused by foreign motor vehicles or trailers.

Art. 71

Joyriding

1) Anyone who steals a motor vehicle for use is liable as a keeper. The driver who knew at the start of the journey or who, with due care, could have known that the vehicle had been stolen for use is jointly and severally liable with the keeper.

exercise due care, knew or could have known that the vehicle had been stolen for use. The owner is jointly liable, except to users of the vehicle who were aware of the theft for use at the start of the journey or could have been aware of it if they had exercised due care.

2) The owner and their liability insurer have recourse against the persons who stole the motor vehicle and against the driver who, at the start of the journey, knew or, with due care, could have known that the vehicle had been stolen for use.

3) The insurer may not impose any financial burden on the owner if the latter is not at fault for the theft.

Art. 72

National Guarantee Fund

1) The insurance companies licensed to operate motor vehicle liability insurance in Liechtenstein jointly establish and operate the National Guarantee Fund, which has its own legal personality.

2) The National Guarantee Fund has the following tasks:

a) it covers liability for damage caused in Liechtenstein by:

1. unidentified or uninsured motor vehicles and trailers, insofar as insurance is mandatory under this law;

2. cyclists or users of vehicle-like devices, provided that the party responsible for the damage cannot be identified or the damage is not covered by the party responsible for the damage, liability insurance, a person responsible for them, or another insurance policy;

b) it covers damage suffered by injured parties residing in Liechtenstein that is caused in Liechtenstein or in another EEA member state by motor vehicles and trailers if insolvency proceedings have been opened against the assets of the liability insurer liable to pay compensation or have not been opened due to a lack of assets to cover the costs;

c) it operates the compensation body in accordance with Art. 75d;

d) It covers recourse claims by foreign guarantee funds arising from benefits paid by them for damage caused abroad by Liechtenstein motor vehicles or trailers that are not subject to compulsory insurance under this Act.

e) it covers recourse claims arising from payments made by compensation bodies for insolvency cases in another EEA member state for damage caused

were caused by motor vehicles or trailers, if insolvency proceedings have been opened against the assets of the Liechtenstein liability insurer liable for payment or have not been opened due to a lack of assets to cover the costs.

3) The government regulates:

a) the tasks of the National Guarantee Fund in accordance with paragraph 2;

b) a deductible for the injured party for property damage.

4) In the case of paragraph 2(a), the National Guarantee Fund's obligation to pay benefits shall not apply to the extent that the injured party can claim benefits from damage insurance or social insurance.

5) In the case of paragraph 2(a), the government may:

a) require the National Guarantee Fund to make advance payments if the party causing the damage does not have liability insurance that covers the claim or if the absence of such insurance is disputed;

b) limit or waive the National Guarantee Fund's obligation to pay compensation to foreign injured parties residing abroad in the absence of reciprocity.

6) Upon payment of compensation to the injured party, the National Guarantee Fund shall assume the rights of the injured party in respect of similar items of damage covered by it.

Art. 72a

Financing, implementation

1) The owner of a motor vehicle shall pay an annual contribution based on the type of insured risk, which is intended to cover the expenses referred to in Articles 70, 72, 75a, and 75d.

2) The National Insurance Bureau and the National Guarantee Fund shall determine these contributions; they shall be subject to approval by the government.

3) Motor vehicle liability insurers shall collect these contributions at the same time as the premium.

4) The state is exempt from the obligation to pay contributions.

5) The government shall regulate the basis for calculating the contribution and its approval.

Art. 72a

SVG

Levy of contributions to cover the insolvency and liquidation of insurance companies licensed in Liechtenstein

- 1) The government may levy an annual contribution from insurance companies licensed in Liechtenstein to operate motor vehicle liability insurance to cover the risk of the state's liability to the National Guarantee Fund pursuant to Art. 1 para. 4 of the exchange of notes between Switzerland and the Principality of Liechtenstein on the coverage of damages in road traffic accidents.
- 2) The contributions referred to in paragraph 1 may not exceed 1% of the gross premiums written by the insurance company for motor vehicle liability insurance.
- 3) The government shall regulate the details, in particular the amount of the contributions and the modalities of contribution collection, by ordinance.

Art. 72b

Common provisions for the National Insurance Bureau and the National Guarantee Fund

- 1) Injured parties have a direct right of claim against the National Insurance Bureau and the National Guarantee Fund.
- 2) The National Insurance Bureau and the National Guarantee Fund are subject to supervision by the government.
- 3) Persons who perform tasks for the National Insurance Bureau and the National Guarantee Fund or supervise the performance of such tasks are bound to secrecy vis-à-vis third parties. In order to perform the tasks assigned to them, they are authorized to process or have processed the personal data required for this purpose, including special categories of personal data.
- 4) The National Insurance Bureau and the National Guarantee Fund may:
 - a) entrust their members or third parties with the performance of their duties and appoint an executive insurer;
 - b) conclude agreements with other national insurance bureaux and national guarantee funds, as well as with foreign bodies performing similar tasks, to facilitate cross-border traffic and protect victims of traffic accidents in cross-border traffic.
- 5) The government shall issue regulations on the tasks and powers of the National Insurance Bureau and the National Guarantee Fund concerning:

- a) Coverage of damages at home and abroad;
- b) promotion and development of insurance cover and protection for victims of traffic accidents in cross-border traffic.

Art. 73

Uninsured vehicles

- 1) If the government issues vehicle registration certificates and license plates for motor vehicles without the required insurance being in place, the state shall be liable within the scope of the statutory minimum insurance for the damage for which the owners of the motor vehicles are responsible. It shall be liable in the same way if it fails to withdraw the vehicle registration certificate and license plates within 60 days of notification by the insurer within the meaning of Art. 64 or after notification by the owner of the permanent decommissioning of a vehicle.
- 2) The state or its insurer has a right of recourse against the owner who was not acting in good faith in believing that he was covered by the prescribed insurance.

Art. 74

Repealed Art. 75

Repealed Art.

75a Information

center

- 1) The information center shall provide authorized persons, in particular injured parties and social and liability insurers involved, with the information necessary to enable them to assert claims for damages.
- 2) It keeps a register of police reports on accidents involving a person residing abroad or a vehicle registered abroad.
- 3) The government:
 - a) determines what information is to be provided;
 - b) may require authorities and private individuals to provide the information center with the necessary data;
 - c) regulates access to the police report index;
 - d) may issue restrictive or supplementary provisions relating to the register of police reports.

Art. 75b

SVG

Claims representatives

1) Insurance companies licensed to operate motor vehicle liability insurance in Liechtenstein are required to appoint a claims representative in every other country of the European Economic Area. They shall communicate the name and address of this representative to the information centers of these countries and to the information center pursuant to Art. 75a.

2) The government may require insurance companies pursuant to paragraph 1 to appoint claims representatives in other countries.

3) Claims representatives are natural or legal persons who represent insurance companies based in another state in their state of activity. They process and settle liability claims brought by injured parties residing in their state of activity against the insurance company they represent in accordance with the provisions of Art. 75c.

4) They must:

a) be domiciled in their country of operation;

b) have sufficient powers to represent the insurance company vis-à-vis injured parties and to satisfy their claims for damages in full;

c) be able to handle cases in the official language or languages of their country of operation.

5) They may act on behalf of one or more insurance companies.

Art. 75c

Claims settlement

1) Insurance companies licensed to operate motor vehicle liability insurance in Liechtenstein, claims adjusters operating in Liechtenstein, the state for its uninsured vehicles, as well as the National Insurance Bureau and the National Guarantee Fund shall, within three months, submit a reasoned offer of compensation to injured parties who assert liability claims against them, provided that liability is undisputed and the damage has been quantified.

a) a reasoned offer of compensation, provided that liability is undisputed and the damage has been quantified;

b) provide a reasoned response to the statements made in the claim for damages, provided that liability is disputed or not clearly established or the damage has not been fully quantified.

2) The three-month period for the specific claims asserted in the claim for damages begins when the claim for compensation is received by the body approached by the injured party.

3) After the three-month period has expired, the obligation to pay default interest shall commence. Further claims by the injured party remain reserved.

Art. 75d

Compensation body

1) Injured parties residing in Liechtenstein may assert their liability claims with the compensation body of the National Guarantee Fund if:

a) the body approached for the settlement of claims has not fulfilled its obligations under Art. 75c;

b) the foreign liability insurer liable for payment has not appointed a claims representative in Liechtenstein;

c) they have been injured in a foreign country whose national insurance bureau has joined the Green Card system by a motor vehicle that cannot be identified or whose insurer cannot be identified within two months.

2) No claims against the compensation body exist if the injured party:

a) has taken legal action in Switzerland or abroad to enforce their claims for compensation; or

b) has submitted a claim for damages directly to the foreign insurer and the latter has provided a reasoned response within three months.

4. Section

Relationship to other insurance policies

Art. 76

Compulsory accident insurance

Injured parties who are insured under the Accident Insurance Act retain their claims under this Act, subject to Art. 44 of the Accident Insurance Act.

5. Section

Common provisions

Art.

Insurers

SVG

- 1) The insurance policies required by this Act must be taken out with an insurance company licensed to operate in the Principality of Liechtenstein.
- 2) The following remain reserved:
 - a) the recognition of insurance policies taken out abroad for foreign vehicles; and
 - b) deviating provisions issued by the government for provisionally registered vehicles.

Article 78

Limitation

- 1) Claims for damages and compensation arising from accidents involving motor vehicles, bicycles, and vehicle-like devices shall become time-barred two years from the date on which the injured party became aware of the damage and of the person liable for compensation, but in any case ten years from the date of the accident. If the action is based on a criminal offense for which the Criminal Code provides for a longer limitation period, this shall also apply to the civil claim.
- 2) The interruption of the limitation period vis-à-vis the liable party also applies to the insurer and vice versa.
- 3) Recourse among parties liable for damages arising from accidents involving motor vehicles, bicycles, and vehicle-like devices, as well as other rights of recourse provided for in this Act, shall become time-barred two years from the date on which the underlying service was rendered in full and the liable party became known.
- 4) In all other respects, the provisions of the ABGB shall apply. Art. 79

Place of jurisdiction

The Princely Regional Court in Vaduz shall have jurisdiction over actions arising from liability claims. Art. 80 remains unaffected by this provision.

Art. 80

Accidents abroad

- 1) For claims for damages arising from accidents involving motor vehicles, bicycles, or vehicle-like devices abroad, the place of jurisdiction is both the place of the accident and the place of residence of the defendant at the time the action is brought; Art. 79 of this law does not apply.

2) If a motor vehicle, bicycle, or vehicle-like device bearing valid Liechtenstein license plates causes an accident abroad, the Liechtenstein court shall apply the liability and insurance provisions of this Act to claims:

- a) for damage suffered by persons who were transported in such a motor vehicle for remuneration and who started or intended to end their journey in the Principality of Liechtenstein;
- b) by injured parties who were resident in the Principality of Liechtenstein at the time of the accident.

Art. 81

Assessment of evidence

In disputes concerning claims arising from accidents involving motor vehicles, bicycles, and vehicle-like devices, the court shall assess the facts according to the principle of free evaluation of evidence.

Art. 82

Agreements

- 1) Agreements that exclude or limit liability under this Act shall be null and void.
- 2) Agreements that set obviously inadequate compensation may be contested within one year of their conclusion.

Art. 83

Conditions for recourse

If insurance benefits do not fully cover the damage suffered by an injured party, insurers may only assert their rights of recourse against the liable party or their liability insurer to the extent that this does not disadvantage the injured party.

Art. 84

Additional provisions on liability and insurance

- 1) The government may exempt motor vehicles with low engine power or speed and those that are rarely used on public roads from the provisions of this part in whole or in part.
- 2) It shall issue the necessary regulations on insurance for dealer plates, interchangeable plates, and similar cases.

V. Part

Penal provisions

Art. 85

Violation of traffic regulations

1) Anyone who violates the traffic regulations of this Act or the ordinances issued on the basis thereof shall be punished for a misdemeanor with a fine of up to 5,000 francs or, in the event of non-payment, with imprisonment for up to one month.

2) Anyone who causes or accepts a serious danger to the safety of others by grossly violating traffic regulations shall be punished for a misdemeanor with a fine of up to 20,000 Swiss francs or, if the fine cannot be collected, with imprisonment of up to three months.

Art. 86

Driving while unfit to drive and disregarding the prohibition on driving under the influence of alcohol

1) Anyone who drives a motor vehicle while unfit to do so shall be punished for an offense with a fine of up to 50,000 Swiss francs or, if the fine cannot be collected, with imprisonment for up to six months.

2) Anyone who disregards the prohibition on driving under the influence of alcohol shall be punished with a fine of up to CHF 20,000 or, if the fine cannot be collected, with imprisonment for up to three months, unless the offense is punishable under paragraph 1.

a) disregards the prohibition on driving under the influence of alcohol, provided that the act is not punishable under paragraph 1;

b) drives a non-motorized vehicle while unfit to drive. Art. 86a

Obstruction of measures to determine unfitness to drive

1) Any motor vehicle driver who intentionally refuses to submit to a blood test or a preliminary examination regulated by the government (Art. 51) that has been ordered or that he or she could have expected to be ordered, or an additional medical examination, or who has thwarted the purpose of these measures, shall be punished for a misdemeanor with a fine of up to 50,000 Swiss francs or, in the event of non-payment, with imprisonment for up to six months.

2) If the offender has driven a non-motorized vehicle or was involved in an accident as a road user, he shall be punished for the offense with a fine of up to CHF 20,000 or, if the fine cannot be collected, with imprisonment of up to three months.

Art. 87

Breach of duty in the event of an accident

1) Anyone who violates the duties imposed on them by this law in the event of an accident shall be punished for a misdemeanor with a fine of up to 20,000 Swiss francs or, if the fine cannot be collected, with imprisonment of up to three months.

2) If a driver who has killed or injured someone in a traffic accident flees the scene, they shall be punished for a misdemeanor with a prison sentence of up to three years.

Art. 88

Vehicles that are not roadworthy

1) Anyone who compromises the operational safety of a vehicle in such a way that there is a risk of an accident shall be punished for a misdemeanor with a fine of up to 50,000 francs or, if the fine cannot be collected, with imprisonment of up to six months.

2) Anyone who drives a vehicle that they know or, with due care, could know does not comply with the regulations will be punished for a violation with a fine of up to 20,000 Swiss francs or, in the event of non-payment, with imprisonment of up to three months.

3) The owner or anyone else responsible for the operational safety of a vehicle is subject to the penalty specified in paragraph 2 if they knowingly or negligently tolerate the use of a vehicle that does not comply with the regulations.

Art. 89

Theft for use

1) Repealed

2) Anyone who uses a motor vehicle entrusted to them for journeys for which they are clearly not authorized shall be punished for a misdemeanor with a fine of up to 5,000 Swiss francs or, if the fine cannot be collected, with imprisonment for up to one month.

3) Anyone who uses a bicycle without authorization shall be punished for a misdemeanor with a fine of up to 5,000 francs or, if the fine cannot be collected, with imprisonment for up to one month.

Art. 90

Driving without authorization

1) Anyone who commits the following offense shall be punished with a fine of up to 20,000 Swiss francs or, if the fine cannot be collected, with imprisonment for up to three months:

- a) drives a motor vehicle without the required driver's license;
- b) drives a motor vehicle even though their learner's permit or driver's license has been refused, revoked, or withdrawn;
- c) disregards the restrictions or conditions associated with the driver's license in individual cases;
- d) allows a motor vehicle to be driven by a driver whom they know or, with due care, could know does not have the required license;
- e) drives a motor vehicle without a learner's permit or without the required supervision;
- f) takes on the role of accompanying person during a learner's drive without fulfilling the requirements;
- g) gives driving lessons commercially without a driving instructor's license.

2) Repealed

3) Anyone who rides a bicycle despite being prohibited from doing so shall be punished for a misdemeanor with a fine of up to 5,000 Swiss francs or, in the event of non-payment, with imprisonment for up to one month.

4) Anyone who drives an animal-drawn vehicle despite being prohibited from doing so shall be punished for a misdemeanor with a fine of up to 5,000 Swiss francs or, if the fine cannot be collected, with imprisonment for up to one month.

Art. 91

Driving without a vehicle registration certificate, license, or liability insurance

1) Anyone who drives a motor vehicle or tows a trailer without the required vehicle registration or license plates shall be punished for a violation with a fine of up to 20,000 Swiss francs or, if the fine cannot be collected, with imprisonment for up to three months.

- a) drives a motor vehicle or tows a trailer without the required vehicle registration certificate or license plates;
- b) carries out journeys that require a permit under this law without a permit;
- c) who disregards the restrictions or conditions associated with the vehicle registration certificate or license by law or in individual cases, namely regarding the permissible total weight.

2) Anyone who drives a motor vehicle even though they know or, with due diligence, could have known that the required liability insurance does not exist shall be punished for a misdemeanor with a fine of up to 50,000 Swiss francs or, in the event of non-payment, with imprisonment of up to six months.

3) The owner or anyone who has control of the vehicle in their place is subject to the same penalties if they were aware of the violations or could have been aware of them with due diligence.

Art. 92

Misuse of licenses and plates

1) Anyone who commits the following offenses shall be punished with a fine of up to CHF 50,000 or, if the fine cannot be collected, with imprisonment of up to six months:

- a) uses licenses and license plates that are not intended for him or his vehicle;
- b) fails to surrender invalid or withdrawn licenses or license plates despite being requested to do so by the authorities;
- c) allows others to use licenses or license plates that are not intended for them or their vehicles;
- d) intentionally obtains an identity card or permit by providing incorrect information, concealing significant facts, or submitting false certificates;
- e) falsifies license plates or manufactures false ones for use;
- f) uses false or falsified license plates;
- g) intentionally appropriates license plates unlawfully in order to use them or allow others to use them.

2) Repealed

Art. 93

Signals and markings

Anyone who commits the following offenses shall be punished with a fine of up to 20,000 Swiss francs or, if the fine cannot be collected, with imprisonment of up to three months:

- a) intentionally moves or damages a signal;
- b) intentionally removes, renders illegible, or alters a signal or marking;
- c) fails to report damage to a signal caused unintentionally to the state police;
- d) affixes a signal or marking without official authorization. Art. 94

Further offenses

1) Anyone who commits the following offenses shall be punished with a fine of up to 5,000 Swiss francs or, if the fine cannot be collected, with imprisonment for up to one month:

- a) places vehicles, components, or equipment subject to type approval on the market in a non-approved design;
- b) as the owner, fails to obtain a new vehicle registration certificate within the specified period after taking over a motor vehicle or motor vehicle trailer from another owner;
- c) as a driver, fails to carry the required licenses or permits;
- d) refuses to present the required licenses or permits to the police upon request.
- e) Repealed
- f) Repealed

2) Anyone who commits the following offenses shall be punished with a fine of up to 20,000 Swiss francs or, if the fine cannot be collected, with imprisonment of up to three months:

- a) imitates the special warning signals of the fire department, ambulance service, police, customs, or mountain rescue service;
- b) presumes to use traffic police markings;
- c) uses loudspeakers on motor vehicles without authorization;
- d) unlawfully organizes motor or cycling events or test drives, or fails to take the required safety measures at authorized events of this kind;
- e) markets, acquires, installs in vehicles, carries in vehicles, attaches to vehicles, or uses in any form devices or equipment that may impede, interfere with, or render ineffective the official control of road traffic.

Art. 95

Criminal liability

1) Unless this law expressly provides otherwise, negligent acts are also punishable.

1a) If the fault is minor and the consequences of the violation are insignificant, the act is not punishable. Under the same conditions, the state and municipal police may refrain from imposing a fixed penalty or filing a report; in such cases, they may draw the offender's attention to the illegality of their behavior in an appropriate manner.

- 2) An employer or supervisor who causes a motor vehicle driver to commit an offense punishable under this law or who fails to prevent such an offense to the best of their ability shall be subject to the same penalties as the driver.
- 3) The accompanying person is responsible for criminal acts committed during learner drives if they have violated the duties incumbent upon them as a result of accompanying the learner driver. The learner driver is responsible to the extent that they could have avoided the violation based on their level of training.
- 4) If the driver of a fire engine, ambulance, police car, or customs vehicle disregards traffic regulations or special traffic instructions during urgent or tactically necessary official journeys, he or she shall not be liable to prosecution if he or she exercises all due care required by the circumstances. On urgent official journeys, the violation is only not punishable if the driver also gives the necessary warning signals; the giving of warning signals is not required in exceptional cases if it prevents the performance of the legal task. If the driver did not exercise the care required by the circumstances or did not give the necessary warning signals on urgent official journeys, the penalty may be reduced.

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Art. 96

Relationship to other criminal laws

- 1) The general provisions of the Criminal Code shall apply unless this Act contains provisions to the contrary.
- 2) The special provisions of the Criminal Code remain reserved; Art. IX para. 1 of the Criminal Law Amendment Act does not apply.

Art. 97

Supplementary penal provisions, prosecution, supervision of sentences

- 1) Violation of provisions enacted in ordinances relating to this Act shall be punishable by a fine of up to 20,000 Swiss francs for misdemeanors, or by imprisonment for up to three months in cases where the fine cannot be collected. The government is authorized to designate the competent criminal authority by ordinance. 1a) In order to implement international obligations, the government may, by ordinance, declare violations of the provisions on working, driving, and rest times for motor vehicle drivers committed abroad to be punishable as offenses under paragraph 1.

2) The government may issue regulations on the monitoring of penalties for decisions that are not entered in the criminal register.

VI. Part

Implementing and final provisions

Art. 98

Criminal authorities and proceedings

1) The criminal authorities are the government and the ordinary courts in accordance with the following provisions:

a) The government is the criminal authority for violations of this law insofar as it:

aa) Cyclists,

bb) Pedestrians,

cc) animal-drawn vehicles,

dd) horsemen and animals,

ee) Repealed

ff) Violations of regulations concerning the parking and stopping of motor vehicles, driving bans for motor vehicles, and the carrying of licenses or permits.

If, at the same time, an offense under the Criminal Code or an offense that falls within the jurisdiction of the ordinary courts pursuant to letter b is committed, the ordinary courts are also the criminal authorities for offenses under letters aa to ff. The ordinary courts are also the criminal authorities for offenses under aa to ff if, in the case of traffic accidents, the various road users involved have committed offenses under the Criminal Code or under b, as well as offenses under aa to ff.

b) The ordinary courts are criminal authorities in all other cases not mentioned under letters a.

2) Criminal proceedings before the ordinary courts are governed by the provisions of the Code of Criminal Procedure and before the government by the provisions of the Administrative Criminal Procedure Act on administrative criminal proceedings.

3) The government is authorized to issue regulations instructing the state police and municipal authorities to issue penalty orders (Art. 53 VStG) for the purpose of criminal prosecution within the meaning of paragraph 1(a).

3a) In the event that the state police or municipal authorities are authorized to issue penalty orders in accordance with paragraph 3, the appeals commission for administrative matters shall be responsible for handling appeals against penalty orders or administrative penalty decisions issued by the state police or municipal authorities.

municipal authorities shall be the responsibility of the Appeals Commission for Administrative Matters.

4) The imposition of fixed penalties in simplified proceedings remains reserved.

Art. 99

Implementation of the law

1) The government is responsible for implementing this law. It shall issue the necessary implementing regulations.

2) The government may, by ordinance, delegate the tasks and powers conferred on it by this law to subordinate authorities. It may also delegate the granting of permits for roadside advertising and of exemptions for driving on roads subject to driving bans to the municipal council.

2a) In the event of delegation of tasks in accordance with paragraph 2, the Appeals Commission for Administrative Matters shall be responsible for handling appeals against orders or decisions issued by the authorities or municipal councilors. The deadline for lodging an appeal is 14 days from the date of delivery of the order or decision.

3) The government may take provisional measures that prove necessary until legal regulations are in place in the event of new technical developments in the field of road traffic and for the implementation of intergovernmental agreements.

4) The government may regulate the jurisdiction of the authorities differently for persons enjoying diplomatic privileges and immunities and provide for further exceptions to this law arising from customary international law.

5) Repealed

6) The government may prohibit, restrict, subject to authorization, or impose other restrictions on the movement of foreign vehicles if a foreign state imposes such measures on Liechtenstein vehicles and their drivers or applies stricter traffic regulations than those applicable to its own vehicles and drivers.

7) Repealed

8) The government may make the performance of certain work on vehicles subject to a permit requirement if this is necessary for traffic safety or environmental protection. It shall determine the conditions for granting permits and regulate supervision.

9) Repealed

10) Repealed

Art. 99a Reports

The state police and the criminal authorities shall notify the competent authority of any violations that could result in a measure provided for in this Act.

Section 99b

Vehicle and vehicle owner register

1) The Road Traffic Office maintains a vehicle and vehicle owner register and processes the following data for this purpose:

a) vehicles currently or previously registered in Liechtenstein;
b) names, dates of birth, addresses, and countries/places of origin of vehicle owners, as well as details of their liability insurance.

2) The register serves to fulfill the following legal tasks:

a) Checking traffic registration, vehicle inspection, vehicle insurance, customs clearance, and taxation in accordance with the Motor Vehicle Tax Act of September 14, 1994;

b) Identification of the owner, traffic accident victim protection, and investigation.

3) The following authorities may access the register via a retrieval procedure:

a) the state and municipal police authorities for the data required to check traffic registration, identify the owner and their insurer and, in the case of the state police, for investigations;

b) the Office for National Economy for the purpose of checking and comparing vehicle and vehicle owner data in connection with the register of road transport operators and the performance of tasks under the Road Transport Act;

c) the tax administration with the data necessary to verify the information provided by taxpayers in their tax returns;

d) the FIU staff unit with the data necessary to prevent, detect, and effectively combat money laundering, predicate offenses to money laundering, organized crime, and terrorist financing.

3bis) The National Insurance Bureau and the National Guarantee Fund may inspect the register entries at the Road Traffic Office to the extent necessary for the performance of their tasks. They are authorized to disclose data from the register to third parties within the scope of the provisions of this Act.

4) The Road Traffic Office must disclose the names of vehicle owners and their insurers to any person who can demonstrate a sufficient interest.

5) Under the Agreement of June 27, 2019, between the European Union and the Principality of Liechtenstein on participation in Prüm, the Road Traffic Office is the national contact point for the exchange of data on owners or keepers of vehicles and vehicle data in accordance with Art. 12 para. 2 of Decision 2008/615/JHA. As the contact point, it grants the requesting participating state access to the vehicle and vehicle owner data in the vehicle and vehicle owner register for the purposes specified in Article 12(1) of Decision 2008/615/JHA; access to the data is granted in accordance with Article 15 and Chapter 3 of the Annex to Decision 2008/616/JHA.

6) Under the agreement on participation in Prüm, the state police may, for the purposes set out in Article 12(1) of Decision 2008/615/JHA on the Road Traffic Authority, access data on vehicle owners or keepers and vehicle data in the corresponding information systems of the other participating states.

Article 99c

Register of administrative measures

1) The Road Traffic Office maintains a register of administrative measures and, for this purpose, processes data on all administrative measures imposed by Liechtenstein authorities or ordered by foreign authorities against persons residing in Liechtenstein, namely:

- a) refusal and withdrawal of licenses and permits;
- b) driving bans;
- c) Revocation of Liechtenstein driving licenses by foreign authorities;
- d) Revocation of foreign driving licenses;

- e) warnings;
 - f) Traffic psychology and medical examinations;
 - g) Conditions;
 - h) New driving test;
 - i) Participation in traffic training for retraining;
 - k) Revocation or modification of measures under letters a to i.
- 2) The register serves to fulfill the following legal tasks:
- a) Issuing learner's permits, driver's licenses, and driving instructor licenses;
 - b) Conducting administrative and criminal proceedings against vehicle drivers;
 - c) Compilation of statistics on administrative measures.
- 3) As part of proceedings to assess road traffic offenses, law enforcement and judicial authorities may inspect the register entries at the Road Traffic Office.

Art. 99d

Driving license register

- 1) The Road Traffic Office maintains a driving license register and processes the following data for this purpose:
- a) driving licenses issued by Liechtenstein or foreign authorities to persons residing in Liechtenstein;
 - b) current driving license suspensions, refusals, revocations, and driving bans imposed by Liechtenstein authorities;
 - c) current driving license withdrawals, refusals, revocations, and driving bans imposed by foreign authorities on persons residing in Liechtenstein and on persons who hold a Liechtenstein learner's permit or driver's license;
 - d) names, dates of birth, addresses, and countries/places of origin of driving instructors residing in Liechtenstein;
 - e) Date and results of medical examinations for the approval of persons for road traffic.
- 2) The register serves to fulfill the following legal tasks:
- a) Issuing learner's permits, driver's licenses, and driving instructor licenses;
 - b) Compilation of statistics on driving licenses.
- 3) The following authorities may request information about registry entries from the Road Traffic Office:

- a) law enforcement and judicial authorities in the context of proceedings to assess road traffic violations;
- b) the police authorities with regard to data required for checking driving licenses.

Art. 99e

Implementing regulation

The government shall regulate the details of the maintenance and use of the registers in accordance with Articles 99b to 99d, in particular:

- a) responsibility for data processing;
- b) the catalog of data to be recorded and their retention periods;
- c) the reporting procedure;
- d) data correction;
- e) the organization and operation of an automated data system;
- f) cooperation between the authorities concerned;
- g) the authorities to which data may be disclosed in individual cases;
- h) data security. Art. 99f

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International treaties

1) The government may conclude treaties with foreign states on cross-border motor vehicle traffic. Within the framework of such treaties, it may:

- a) waive the requirement to exchange driving licenses when changing residence across national borders;
- b) provide for permits for Liechtenstein and foreign vehicles that exceed the weights specified in Art. 8; it shall only issue such permits in exceptional cases and insofar as the interests of traffic safety and environmental protection permit.

2) The government may conclude international treaties on the construction and equipment of vehicles, the equipment of vehicle users, and the mutual recognition of related tests.

3) The government may conclude treaties with foreign states on the mutual exchange of vehicle owner, driving license, and motor vehicle data, as well as on the enforcement of fines or penalties for violations of road traffic regulations. The treaties may provide that

non-enforceable fines or penalties are converted into prison sentences.

4) The government may conclude agreements with Switzerland on participation in the management and use of automated Swiss registers that are comparable to those referred to in Articles 99b to 99d or that relate to vehicle types and tachograph cards, subject to the provisions on data protection.

5) The government may conclude agreements with foreign states on the performance of the tasks of the National Insurance Bureau and the National Guarantee Fund.

Art. 100

Fees

The government is authorized to regulate the collection of fees by ordinance.

Art. 101

Repeal

Upon entry into force of this Act, the following shall be repealed:

- a) the Road Traffic Act of December 22, 1959, LGBl. 1960 No. 3,
- b) the Act of July 24, 1963, amending the Road Traffic Act, LGBl. 1963 No. 30,
- c) the Act of September 27, 1972, amending the Road Traffic Act, LGBl. 1972 No. 53,
- d) the Act of December 11, 1975, amending the Road Traffic Act, LGBl. 1975 No. 65.

Art. 102

Entry into force

This Act shall enter into force on September 1, 1978.

VIII. Repayment Act (TilgG)

of July 2, 1974

I hereby approve the following resolution passed by the state parliament:

Art. 1

Registration Authority

- 1) A criminal record shall be kept for the purpose of recording criminal convictions.
- 2) The criminal record shall be kept by the regional court by a single judge.
- 3) The criminal record may be kept electronically. Art. 2

Subject of entry in the criminal record

- 1) The following shall be entered in the criminal record:

1. all final convictions by domestic criminal courts for-breaches or misdemeanors, as well as all preventive measures involving deprivation of liberty imposed by domestic criminal courts, in the case of a ruling for placement in an institution for mentally abnormal offenders, including information on whether the placement was ordered in accordance with § 21 (1) or (2) of the Criminal Code;
2. all final convictions of Liechtenstein nationals and persons who are domiciled or habitually resident in Liechtenstein by foreign criminal courts, provided that they relate to an offense that is also punishable as a crime or misdemeanor under domestic law, as well as all preventive measures involving deprivation of liberty imposed by foreign criminal courts that are equivalent to a custodial sentence, provided that they relate to an offense that is also punishable as a crime or misdemeanor under domestic law.that is also punishable under domestic law as a crime or misdemeanor, as well as all preventive measures involving deprivation of liberty imposed by foreign criminal courts that correspond to a similar domestic measure ordered by a criminal court;
3. all final convictions by foreign criminal courts which Liechtenstein has undertaken to communicate in international agreements;
4. all decisions of the Prince and decisions of domestic courts relating to one of the convictions referred to in paragraphs 1 to 3 concerning:
 - a) the subsequent determination of a penalty;

TilgG

- b) the subsequent appointment of a probation officer or the revocation of probation;
 - c) the pardoning of the convicted person, the mitigation, conversion, or reclassification of a sentence;
 - d) the extension of a probationary period;
 - e) the revocation of a conditional remission of sentence or the conditional remission of a preventive measure involving deprivation of liberty;
 - f) the final remission of a sentence or a preventive measure involving deprivation of liberty;
 - g) the waiver of the enforcement of a custodial sentence;
 - h) conditional release from a prison sentence, conditional release from a preventive measure involving deprivation of liberty, or that the danger against which the measure is directed no longer exists (Section 24 (2) StGB);
 - i) the revocation of conditional release from a prison sentence or conditional release from a preventive measure;
 - j) final release;
 - k) the annulment or amendment of a conviction or subsequent decision;
 - l) the final waiver of the imposition of a penalty;
 - m) the expungement of a conviction;
 - n) a ruling on the exclusion of voting rights pursuant to Section 352a of the Code of Criminal Procedure.
5. all notifications relating to one of the convictions listed in paragraphs 1 to 3 concerning when all custodial sentences, fines (forfeiture and compensation penalties) and preventive measures involving deprivation of liberty imposed in a conviction have been served, are considered to have been served, have been reviewed or may no longer be enforced;
6. all decisions, orders, and notifications from foreign authorities relating to convictions entered in the criminal register by foreign criminal courts that are equivalent to the resolutions, decisions, and notifications referred to in paragraphs 4 and 5.
- 2) Any finding of guilt for an act to be judged by the courts under domestic law in accordance with the Code of Criminal Procedure in proceedings corresponding to those referred to in Art. 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms, LGBl. 1982

No. 60, in proceedings corresponding to the principles of Art. 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms, LGBL 1982

Art. 3

Content of the entry

The following shall be entered:

- a) First and last name, all previous names, date and place of birth, marital status, occupation, parents' first names, nationality, and place of residence and address of the person to whom the criminal record entry relates;
- b) Reference number of the authority;
- c) Date of the decision of the court of first instance and higher court and the date on which the decision became final;
- d) Description of the criminal offense;
- e) Penalties, additional penalties, and legal consequences;
- f) in the case of a suspended sentence and in the case of a decision not to impose a penalty, the duration and end of the probationary period.

Art. 4

Notifications to the criminal record

For the purposes of registration, all decisions, findings, and facts that lead to an entry, correction, addition, amendment, or deletion of an entry under this Act shall be communicated in writing to the criminal records authority.

Art. 5

Notifications from the criminal records authority

- 1) If the criminal records authority becomes aware of a decision, finding, or fact that may give rise to official action, the authority responsible for such action, in particular the public prosecutor's office, shall be notified thereof in writing.
- 2) In particular, recent convictions of a person who has been given a suspended sentence or whose sentence has been waived, or whose sentence has been conditionally suspended, must be reported in accordance with paragraph 1, even if they are not subject to registration under Article 2.

3) The exclusion from voting rights pursuant to Art. 2 para. 1 no. 4 lit. n must be reported by the criminal records authority to the competent municipality. Similarly, the restoration of voting rights must be reported by the criminal records authority to the competent municipality.

4) Upon request, the criminal records authority shall provide the government with a list of all persons who are excluded from voting.

Art. 6

Legal protection against inclusion in the criminal register

1) Any person to whom an entry in the criminal record relates may request a determination that the entry in the criminal record was incorrect or inadmissible.

2) The application shall be submitted to the district court, which shall decide on the matter.

3) If a request pursuant to paragraph 1 is granted in whole or in part, the criminal record shall be corrected.

Art. 7

Criminal record information

1) Subject to the provisions of Art. 9 para. 4, the criminal records authority shall provide information from the criminal records to all domestic authorities and agencies upon request.

2) The same applies to information provided to foreign authorities and agencies on the basis of international agreements.

3) The following are authorized to access the criminal record by means of a retrieval procedure:

a) the public prosecutor's office for the performance of its duties in proceedings pending before it or before the courts;

b) the state police for the performance of their duties under Article 9(1).

4) When accessing data from the criminal register as part of a retrieval procedure by the state police, a link within the meaning of Art. 34b (5) of the Police Act is not permitted.

Section 8

Criminal record certificate

1) Any person who has reached the age of 14 shall, upon request by themselves or their legal representative, be issued with a certificate containing the entries in the criminal record relating to them and to be disclosed in accordance with Art. 9 (4), or certifying that the criminal record contains no entries relating to them (criminal record certificate).

- 2) The application shall be rejected if the applicant is unable to prove their identity. The application shall also be rejected if the applicant is wanted for arrest, detention, or investigation of their whereabouts.
- 3) The criminal record certificate may not be delivered to a person other than the applicant or their legal representative without their written consent.
- 4) Where legal provisions refer to certificates of good conduct, certificates of moral character, or certificates of good behavior, these shall be replaced by the criminal record certificates referred to in paragraph 1.

Art. 9

Restricted disclosure of criminal records

1) Even before expungement, convictions from the criminal record may only be disclosed without restriction if the conditions specified in paragraphs 2 and 3 are met:

- a) to the courts, the public prosecutor's office, and the state police for the purpose of criminal or detention proceedings against the convicted person or against someone suspected of being involved in the same criminal offense;
- b) the courts and the public prosecutor's office in a pardon procedure concerning the convicted person that relates to criminal proceedings or a conviction by the criminal courts;
- c) the authorities responsible for enforcing the Weapons Act;
- d) the state police for the purpose of assisting in the enforcement of commercial law provisions relating to the security industry;
- e) the Financial Market Authority for the purpose of supervising and enforcing the laws pursuant to Art. 5 of the Financial Market Authority Act;
- f) the Office for Economic Affairs for the purpose of supervising and enforcing the Money Gaming Act and the Trade Act.

2) The restriction pursuant to paragraph 1 shall take effect immediately upon the judgment becoming final,

- a) if no penalty has been imposed;
- b) if the length of a prison sentence or, in the case of a fine, the length of the substitute prison sentence does not exceed one month; or
- c) if placement in an institution for mentally abnormal offenders pursuant to § 21 (1) of the Criminal Code.

3) The restriction under paragraph 1 shall only take effect if two years have already elapsed since the expiry of the limitation period (Articles 10 and 11) and

a) the length of a prison sentence or, in the case of a fine, the length of the substitute prison sentence does not exceed three months, or

b) if the sentence has been suspended, as long as the suspension has not been revoked, or

c) if the conviction was only for juvenile offenses and a fine was imposed or the length of the prison sentence does not exceed one year.

4) If convictions are only to be disclosed to a limited extent, they may not be included in a criminal record extract (Art. 7) or a criminal record certificate (Art. 8), nor may they be disclosed in any other way, except for the purposes specified in paragraph 1.

5) The convicted person is not obliged to disclose the convictions outside the procedures referred to in paragraph 1.

6) If a person has been convicted more than once, the provisions of paragraphs 1 to 4 shall only apply if the conditions of paragraphs 2 and 3 are met for each of the convictions.

7) Judgments in which placement in an institution for mentally abnormal offenders has been ordered pursuant to Section 21 (1) of the Criminal Code are subject to the restriction on disclosure even if unrestricted disclosure is required for other convictions.

Art. 10

Expungement of convictions

1) The expungement of court convictions, unless excluded (Art. 12), shall take effect by operation of law upon expiry of the expungement period.

2) Upon expungement of a conviction, all adverse consequences associated with the conviction by operation of law shall cease to apply, unless they consist of the loss of specific rights based on election, conferral, or appointment.

3) The rights of third parties based on the conviction are not affected by the expungement.

4) A conviction expunged by operation of law may not be included in a criminal record extract (Art. 7) or a criminal record certificate (Art. 8), nor may it be made apparent in any other way.

Art. 11

Expungement periods

- 1) If a person has been convicted only once, the expungement period shall be:
 - a) three years if they have only been sentenced to a fine or only for juvenile offenses;
 - b) five years if they have been sentenced to a maximum of one year's imprisonment;
 - c) ten years if he has been sentenced to imprisonment for more than one year and up to three years;
 - d) 15 years if he has been sentenced to imprisonment for more than three years or if his placement in an institution for mentally abnormal offenders has been ordered in accordance with Section 21 (1) of the Criminal Code.
- 2) If a person is convicted before one or more convictions have been expunged, all convictions shall only be expunged jointly. In this case, the expungement period shall be determined on the basis of the sum of the sentences imposed in all convictions that have not yet been expunged in accordance with paragraph 1. It must exceed the individual period determined in accordance with paragraph 1, which would end at the latest, by at least as many years as there are final and not yet expunged convictions. The most recent final conviction shall be included in the calculation.
- 3) Convictions that are related to each other in accordance with § 31 of the Criminal Code shall not be considered separate convictions for the purposes of expungement. The expungement period shall be determined on the basis of the total of the penalties imposed in accordance with paragraph 1. The same shall apply to convictions for the same offense in Germany and abroad.
- 4) The repayment period begins as soon as all custodial sentences or fines and the preventive measures associated with deprivation of liberty have been enforced, are deemed to have been enforced, have been waived, or may no longer be enforced. If no custodial sentence or fine has been imposed, or if the custodial sentence or fine imposed has been served in full by crediting prior detention, and if no preventive measure involving deprivation of liberty has been ordered, the period shall commence when the conviction becomes final.
- 5) If the sentence is not enforced due to the crediting of pre-trial detention or the waiver of punishment, the expungement period shall commence when the conviction becomes final.

6) Preventive measures and penalties other than imprisonment or fines have no influence on the length of the expungement periods. The expungement of the order for placement in an institution for mentally abnormal offenders pursuant to § 21 (1) of the Criminal Code shall take effect regardless of whether other convictions exist.

Art. 11a

Expungement of convictions for sexual offenses

1) In the event of a conviction for a criminal offense under Sections 200, 201, 204, 205, 206, 208, and 219 of the German Criminal Code (StGB) to an unconditional prison sentence or in the case of an order for placement pursuant to Section 21 (1) StGB for such an offense, the expungement period (Art. 11) shall be extended by one year.

2) In the event of a conviction for any other criminal offense specified in Section 10 of the Special Part of the Criminal Code to an unconditional prison sentence or, in the event of an order for placement in a facility pursuant to Section 21 (1) of the Criminal Code for such an offense, the expungement period (Art. 11) shall be extended by half.

3) At the request of the convicted person, the court shall examine whether, taking into account all the circumstances, in particular the personality of the offender and his or her development, the extension of the repayment period pursuant to paragraphs 1 or 2 should be terminated. Such a request shall be admissible at the earliest after the expiry of the expungement period pursuant to Art. 11. If the request is rejected, a new request may only be submitted after five years have elapsed since the decision became final.

Article 12

Irredeemable convictions

1) Convictions to life imprisonment shall not be expunged and shall also preclude the expungement of all other convictions.

2) Convictions for a criminal offense specified in Section 10 of the Special Part of the Swiss Criminal Code to a prison sentence of more than five years shall not be expunged. At the request of the convicted person, the court shall examine whether, taking into account all the circumstances, in particular the personality of the offender and his or her development, expungement should be granted. Such an application shall be admissible at the earliest fifteen years after the beginning of the expungement period (Art. 11). If the application is rejected, a new application shall only be admissible after five years have elapsed since the decision became final.

Art. 13

Order for the deletion of expunged convictions

- 1) The district court shall order the deletion of the expungement of a conviction (Art. 10) that has occurred by operation of law by a single judge by means of a decision in the criminal record and shall notify the public prosecutor's office thereof.
- 2) Any person who claims that their conviction has been expunged by operation of law may apply for an order within the meaning of paragraph 1. The single judge of the district court shall decide on this application by means of a ruling.
- 3) The decisions made pursuant to paragraphs 1 and 2 may be challenged on the grounds of illegality by means of an appeal to the High Court.

Art. 14

Final provisions

- 1) This Act is declared non-urgent and shall enter into force on September 1, 1974.
- 2) At that time, all legal provisions that conflict with this Act shall cease to have effect.
- 3) In particular, Articles 9, 15 to 18, and 31(4) of the Act of June 1, 1922, concerning amendments to criminal law, criminal procedure, and supplementary and ancillary laws, LGBl. 1922 No. 21, are repealed.
- 4) Article 33(2) of the Act on the Protection and Welfare of Young Persons of December 23, 1958, LGBl. 1959 No. 8, is replaced by the following:
 - 2) Reporting in the press and the disclosure of names and judgments are not permitted.
 - 5) The following shall be added as a third paragraph to Article 6 of the Act of September 27, 1972, on the simplified procedure for traffic violations, LGBl. 1972 No. 52:
 - 3) The entries shall be deemed deleted by operation of law after two years. Art. 11 and 14 para. 6 of the Act on the Criminal Record and the Expungement of Court Convictions shall apply mutatis mutandis.
 - 6) Insofar as expungement has not already been granted or has not already taken effect by operation of law, all convictions by domestic or foreign criminal courts shall be deemed expunged upon the entry into force of this Act, provided that they
 - a) were handed down before August 31, 1959, and do not involve the death penalty or life imprisonment, or

b) were handed down before August 31, 1964 and do not exceed a three-year prison sentence.

IX. Weapons Act (WaffG)

September 17, 2008

I hereby approve the following resolution passed by the state parliament:

I. General provisions

A. Subject matter, scope, and definitions

Art. 1

Purpose and subject matter

1) The purpose of this Act is to combat the misuse of weapons, weapon components, weapon accessories, ammunition, and ammunition components.

2) In particular, it regulates the acquisition, storage, possession, carrying, transport, brokering, manufacture, and trade of:

a) weapons, essential or specially designed weapon components and weapon accessories;

b) ammunition and ammunition components. Art. 2

Scope

1) This law does not apply to:

a) the state police;

b) persons with regard to those weapons, essential or specially designed weapon components, weapon accessories, ammunition, and ammunition components that:

1. are assigned to them as service weapons by their superior authority or agency on the basis of their public office or service;

2. form the subject of their public office or public service.

2) Only Art. 4 para. 2 lit. c, Art. 20 in conjunction with Art. 12 para. 3, Art. 38, 39, and 47, as well as the corresponding penal provisions of this Act, apply to antique weapons.

3) The provisions of hunting legislation and the Swiss legal provisions applicable in Liechtenstein on the basis of the customs treaty, in particular Swiss legislation on war material, goods control, and weapons, remain reserved.

Art. 3

Terms and definitions

1) For the purposes of this Act, the following definitions apply:

a) "Weapons":

1. devices with which projectiles can be fired by means of a propellant charge and which can be carried and operated by a single person, or objects that can be converted into such devices (firearms);
2. devices designed to cause permanent damage to human health by spraying or atomizing substances;
3. knives whose blades can be extended by means of a mechanism that can be operated with one hand, butterfly knives, throwing knives, and daggers with symmetrical blades;
4. Devices designed to injure people, namely knuckle dusters, truncheons, batons, throwing stars, and slingshots;
5. Electroshock devices that impair human resistance or can cause permanent damage to health;
6. Compressed air and CO₂ weapons that develop a muzzle energy of at least 7.5 joules or that could be mistaken for real firearms due to their appearance;
7. Imitation, alarm, and soft air weapons that could be mistaken for real firearms due to their appearance;

b) "Weapon accessories":

1. Silencers and their specially designed components;
2. Laser and night vision targeting devices and their specially designed components;
3. Grenade launchers designed as an attachment to a firearm;

b) "High-capacity loading devices": loading devices for semi-automatic center-fire firearms with a capacity of:

1. for handguns: more than 20 rounds;
2. for long firearms: more than 10 cartridges;

c) "Ammunition": shooting material with a propellant charge whose energy is transferred to a projectile by ignition in a firearm;

d) "Antique weapons": firearms manufactured before 1870 and cutting, stabbing, and other weapons manufactured before 1900;

e) "Shooting range": any fixed or mobile facility used exclusively or in addition to other purposes for shooting sports or other shooting exercises

with firearms or compressed air and CO₂ weapons, the testing of such weapons, or shooting with such weapons for entertainment purposes;

f) "Museum": a permanent institution that serves society and its development, is open to the public, and acquires, preserves, researches, and exhibits firearms, their essential components, or ammunition for historical, cultural, scientific, technical, educational, cultural heritage, or entertainment purposes;

g) "Collector": any natural or legal person engaged in the collection and preservation of firearms, their essential components, or ammunition for historical, cultural, scientific, technical, educational, or heritage purposes.

2) The government shall determine which items are considered essential or specially designed components of weapons or weapon accessories.

3) It defines compressed air, CO₂, imitation, alarm, signal, and soft air weapons, knives, daggers, electroshock devices, devices under paragraph 1(a)(2), and slingshots that are considered weapons.

4) The personal and functional designations used in this Act apply to persons of both female and male gender.

B. General prohibitions and restrictions Art. 4

Prohibitions relating to weapons, weapon components, and weapon accessories

1) The transfer, acquisition, possession, and brokering to recipients within the country of the following items is prohibited:

a) Automatic firearms and automatic firearms converted to semi-automatic firearms, as well as their essential and specially designed components;

a) semi-automatic center-fire weapons equipped with a high-capacity loading device;

b) long firearms that can be shortened to a length of less than 60 cm with the aid of a folding or telescopic stock or without aids, without this resulting in a loss of functionality;

c) Shotguns with a pump-action system ("pump guns");

d) Shotguns with a total length of less than 90 cm or a barrel length of less than 45 cm;

- e) Military launchers for ammunition, projectiles, or missiles with explosive effects, as well as their essential components;
 - f) Knives and daggers as defined in Art. 3 para. 1 lit. a no. 3;
 - g) striking and throwing devices as defined in Art. 3 para. 1 lit. a no. 4, with the exception of batons;
 - h) electroshock devices as defined in Art. 3 para. 1 lit. a no. 5;
 - i) Weapons that simulate everyday objects, as well as their essential components;
 - k) Weapon accessories.
- 2) It is prohibited to shoot with:
- a) Automatic firearms;
 - b) launching devices in accordance with para. 1 lit. e and Art. 3 para. 1 lit. b no. 3;
 - c) Firearms in publicly accessible places outside officially approved shooting ranges; however, shooting in places that are not publicly accessible and are appropriately secured, as well as hunting, is permitted.
- 3) The state police may grant exceptions.
- 4) Repealed

Art. 5

Prohibitions and restrictions in connection with ammunition

- 1) The government may prohibit the acquisition, possession, and manufacture of ammunition and ammunition components that have a proven high potential for injury, or make them subject to the fulfillment of special conditions.
- 2) This does not apply to ammunition and ammunition components used in normal shooting events or for hunting.

Art. 6

Restrictions in the interests of public safety

The government shall issue an ordinance prohibiting the manufacture, transfer, acquisition, brokering, possession, and carrying of:

- a) novel weapons, essential and specially designed weapon components, weapon accessories, ammunition, or ammunition components that could pose a threat to public safety due to their nature, effect, or mode of operation;

b) weapons, essential and specially designed weapon components, weapon accessories, ammunition, or ammunition components that could pose a novel threat to public safety for other reasons.

Art. 7

Inheritance or bequest

1) If the estate of a deceased person contains weapons, essential and specially designed weapon components or weapon accessories that are prohibited under Art. 4 para. 1, the person in whose custody the items are held in the event of inheritance must report this to the state police within a period of two months. The police shall, if necessary, arrange for these items to be seized or make the necessary arrangements for their safe storage.

2) Persons who acquire items pursuant to paragraph 1 by reason of death must apply for an exemption within a period of six months from the date on which the probate proceedings are legally concluded, unless the items are transferred to an entitled person within this period.

3) Persons entrusted by the state police with the safekeeping of items pursuant to paragraph 1 do not require an exemption permit for up to six months after the probate proceedings have been legally concluded.

Art. 8

Official confirmation

1) Persons residing abroad may only be granted an exemption for the acquisition of a weapon, an essential or specially designed weapon component, or a weapon accessory pursuant to Art. 4 para. 1 if they present an official confirmation from their country of residence stating that they are entitled to acquire the item in question.

2) Foreign nationals who do not have a permanent residence permit but are resident in Liechtenstein may only be granted an exemption for the acquisition of a weapon, an essential or specially designed weapon component, or a weapon accessory pursuant to Art. 4 para. 1 may only be granted to foreign nationals who do not have a permanent residence permit but are resident in Liechtenstein if they submit official confirmation from their home country that they are entitled to acquire the item in question there.

Art. 9

Prohibition for nationals of certain countries

1) The government may prohibit the acquisition, possession, offering, brokering, and transfer of weapons, essential or specially designed weapon components, weapon accessories, ammunition, and ammunition components, as well as the carrying and firing of weapons by nationals of certain countries:

- a) if there is a significant risk of misuse;
 - b) in order to comply with decisions of the international community or the principles of Liechtenstein's foreign policy.
- 2) The state police may, in exceptional cases, authorize persons referred to in paragraph 1 who participate in hunting or sporting events or perform personal and property protection tasks to acquire, possess, carry, or shoot firearms. Art. 10

Implementation

1) Persons affected by a prohibition under Art. 9 para. 1 must report weapons, essential or specially designed weapon components, weapon accessories, ammunition, or ammunition components to the state police within two months of the prohibition coming into force.

2) They may submit an application for an exemption within six months of the prohibition coming into force. Otherwise, the items must be transferred to an authorized person within this period.

3) If the application is rejected, the items must be transferred to an authorized person within four months of the rejection; otherwise, they will be seized by the state police. Art. 11

Prohibited forms of offering

1) Weapons, essential or specially designed weapon components, weapon accessories, ammunition, or ammunition components may not be offered for sale if the competent authorities are unable to identify the seller.

2) The offering of weapons, essential or specially designed weapon components, weapon accessories, ammunition, or ammunition components at publicly accessible exhibitions and markets is prohibited. Exceptions are made for registered vendors at approved public weapons exchanges.

II. Acquisition and possession of weapons and essential weapon components

A. Acquisition of weapons and essential weapon components Art.

12

Weapon acquisition license requirement

- 1) Anyone wishing to acquire a weapon or essential weapon component requires a weapon acquisition permit issued by the state police.
- 2) Persons applying for a firearms acquisition permit for a firearm that is not intended for sporting, hunting, or collecting purposes must state the reason for the acquisition.
- 3) No weapons acquisition permit will be issued to persons who:
 - a) have not yet reached the age of 18;
 - b) are intoxicated
 - c) are alcoholics or addicts;
 - d) are mentally ill or mentally disabled;
 - e) give reason to believe that they pose a danger to themselves or others with the weapon;
 - f) have been convicted of a crime or other criminal offense that demonstrates a violent or dangerous disposition, for a period of five years from the date on which the sentence is served, deemed to have been served, or may no longer be served; if the law on criminal records and the expungement of court convictions provides for a longer expungement period, this shall apply;
 - g) have been prosecuted for a criminal offense that demonstrates a violent or dangerous disposition and have been tried in criminal proceedings in accordance with the provisions of Part IIIa of the Code of Criminal Procedure, for a period of three years from the date on which the prosecution was finally withdrawn;
 - h) have been convicted of injuring or endangering persons through negligent use of weapons, for a period of three years from the date on which the sentence was served, deemed to have been served, or may no longer be served;
 - i) have been convicted of repeated offenses or crimes under this law, as long as the entry in the criminal record has not yet been expunged;
 - k) have been deprived of their civil rights and privileges by a criminal court judgment;

l) express racist, xenophobic, or other particularly reprehensible views through their appearance, statements, or other behavior.

4) Paragraph 3(a) does not apply if and to the extent that weapons and ammunition are required for the vocational training of young people within the framework of a legally recognized apprenticeship or training relationship.

5) Persons who acquire firearms or essential weapon components as a result of death must apply for a weapon acquisition permit within six months of the date on which the probate proceedings are legally concluded, unless the items are transferred to an authorized person within this period. Art. 7 para. 1 and 3 apply *mutatis mutandis* to the notification requirement, securing, and safekeeping. Art. 13

Official confirmation

1) Persons residing abroad must submit to the national police an official confirmation from their country of residence that they are entitled to acquire the weapon or essential weapon component.

2) Foreign nationals who do not have a permanent residence permit but are resident in Liechtenstein must submit to the national police an official confirmation from their home country that they are entitled to acquire the weapon or essential weapon component there.

Art. 14

Validity of the weapon acquisition permit

1) The weapon acquisition permit authorizes the acquisition of a single weapon or a single essential weapon component.

2) The government provides for exceptions for the replacement of essential weapon components of a legally authorized weapon, as well as for the acquisition of multiple weapons or essential weapon components by the same person or for acquisition by inheritance.

3) The weapon acquisition permit is valid for six months. The state police may extend its validity by a maximum of three months.

Art. 15

Verification and notification by the transferring person

Anyone transferring a weapon or an essential weapon component must verify the identity of the purchaser on the basis of an official identity document and send the

state police immediately after the transfer.

Art. 16

Exceptions to the requirement for a weapon acquisition permit

1) The following weapons and their essential components may be acquired without a weapon acquisition permit, provided that there is no impediment under Art. 12 para. 3:

- a) single-shot and multi-barrel hunting rifles and replicas of single-shot muzzle loaders;
- b) repeating rifles designated by the government that are commonly used for sport shooting and hunting in Germany;
- c) single-shot rabbit killers;
- d) Compressed air and CO₂ weapons that develop a muzzle energy of at least 7.5 joules or that could be mistaken for real firearms due to their appearance;
- e) Imitation, alarm, and soft air weapons that could be mistaken for real firearms due to their appearance.

2) The government may issue regulations specifying further exceptions or restricting the scope of paragraph 1 for foreign nationals without a residence or permanent residence permit in Liechtenstein.

Art. 17

Verification by the transferring person

- 1) The person transferring a weapon or an essential weapon component without a weapon acquisition permit (Art. 16) must verify the identity and age of the acquirer on the basis of an official identity document.
- 2) The weapon or essential weapon component may only be transferred if the transferring person can assume, based on the circumstances, that there is no impediment to the acquisition under Art. 12 para. 3.
- 3) Art. 13 applies *mutatis mutandis*.
- 4) The transferring person may inquire with the state police whether there are any impediments to the acquisition. This requires the written consent of the acquiring person.

Article 18

Written contract

- 1) A written contract must be concluded for every transfer of a weapon or an essential weapon component without a weapon acquisition permit (Art. 16). Each party to the contract must keep the contract for at least ten years.
- 2) The contract must contain the following information:
 - a) Surname, first name, date of birth, residential address, and signature of the person transferring the weapon or essential weapon component;
 - b) Surname, first name, date of birth, residential address, and signature of the person acquiring the weapon or essential weapon component;
 - c) Type of weapon, manufacturer, description, caliber, weapon number, and date and place of transfer;
 - d) Type and number of the official ID of the person acquiring the weapon, or a copy of the ID, if a firearm or essential weapon component is being transferred;
 - e) a reference to the processing of personal data in connection with the contract in accordance with data protection legislation, if firearms or their essential components are being transferred.
- 3) Anyone who transfers a firearm pursuant to Art. 16 (1) and (2) or its essential components must send a copy of the contract and the official identification document to the state police immediately after conclusion of the contract. The government may provide for other suitable forms of notification by ordinance.
- 4) Persons who acquire a firearm or an essential weapon component pursuant to Art. 16 by reason of death must provide the state police with the information specified in para. 2 letters a to d immediately after the final conclusion of the probate proceedings. Art. 7 para. 1 applies *mutatis mutandis* to the notification obligation.
- 5) Paragraphs 1 to 3 do not apply to the collective transport of hunting weapons by hunters to and from the hunt or to the short-term transfer of hunting weapons between hunters during the hunt.

Art. 19

Acquisition of weapons by young people

At the request of the legal representative, the state police may authorize persons over the age of 16 to acquire weapons in accordance with Art. 16 for hunting or sporting purposes if:

- a) they are reliable and mature enough to understand the dangers associated with the use of weapons and to behave accordingly; and

b) there are no impediments under Art. 12 para. 3 lit. b to l.

B. Possession of weapons and essential weapon components

Art. 20

Requirements

Anyone who has lawfully acquired an arm, an essential or specially designed arm component, or an arm accessory is entitled to possess it, provided they continue to meet the relevant requirements.

III. Acquisition and possession of ammunition, ammunition components, and high-capacity loading devices

Art. 21

Acquisition of ammunition and ammunition components

1) Ammunition and ammunition components may only be acquired by persons who are authorized to acquire the corresponding weapon.

2) The transferring person shall verify that the conditions for acquisition are met. Art. 17 shall apply mutatis mutandis to this verification.

Art. 21a

Purchase of high-capacity loading devices

1) High-capacity loading devices may only be acquired by persons who hold an exemption permit for the use of a firearm in accordance with Art. 4 para. 1 lit. a.

2) The transferring person shall verify whether the conditions for acquisition are met. Art. 17 shall apply mutatis mutandis to the verification.

Art. 22

Right of possession

Persons who have lawfully acquired ammunition, ammunition components, and high-capacity loading devices and who continue to meet the relevant requirements are entitled to possess them.

IV. Arms trade and arms manufacturing

A. Arms trade

Art. 23 *Principle*

- 1) Anyone who commercially acquires, offers, transfers, or brokers weapons, essential or specially designed weapon components, weapon accessories, ammunition, or ammunition components requires a weapons trade license from the government.
- 2) A weapons trading license is granted to a person:
 - a) for whom there is no impediment under Art. 12 para. 3;
 - b) who is a citizen of an EEA member state or Switzerland, or who, as a third-country national, has been continuously resident in Switzerland for at least twelve years and maintains this residence on a permanent basis;
 - c) is entered in the commercial register;
 - d) has demonstrated sufficient knowledge of the types of weapons and ammunition as well as the legal provisions in an examination;
 - e) has special business premises where weapons, essential and specially designed weapon components, weapon accessories, ammunition, and ammunition components can be stored securely;
 - f) which offers a guarantee of proper business management;
 - g) that designates a domestic delivery address;
 - h) who has the necessary knowledge of the German language.
- 3) Legal entities with legal capacity as well as general partnerships and limited partnerships must meet the requirements set out in paragraph 2, letters c, e, and g, and appoint a managing director. This also applies to branches of legal entities or general partnerships and limited partnerships based abroad. No authorization shall be granted to companies based abroad within the meaning of the Tax Act.
- 4) The managing director referred to in paragraph 3 must meet the requirements set out in paragraph 2 letters a, b, d, f, and h and is responsible to the authorities for all matters under this Act.
- 5) The government shall issue the examination regulations, specify the minimum requirements for business premises, and regulate the conditions for the participation of holders of foreign firearms trading licenses in public firearms exchanges.

6) Repealed

B. Weapons

manufacturing Art. 24

Commercial manufacturing, repair, and conversion

A firearms trading license is required for anyone who, on a commercial basis:

- a) manufactures weapons, essential or specially designed weapon components, weapon accessories, ammunition, or ammunition components;
- b) Modifies weapons in parts that are essential to their function or effect; or
- c) repairs or modifies firearms, their essential or specially designed components, weapon accessories, ammunition, or ammunition components.

Art. 25

Marking of firearms

- 1) Manufacturers of firearms, their essential components, or accessories must mark these items individually and differently for the purpose of identification and traceability.
- 2) The marking must be affixed in such a way that it cannot be removed or altered without mechanical effort.
- 3) The government shall regulate the minimum information to be included in the marking by ordinance. Art. 25a

Marking of ammunition

Manufacturers of ammunition must mark the smallest packaging unit of ammunition individually for the purposes of identification and traceability. The government shall regulate the minimum information to be included in the marking by ordinance. Art. 26

Non-commercial manufacture and conversion

- 1) The non-commercial manufacture of weapons, essential or specially designed weapon components, weapon accessories, ammunition, and ammunition components, as well as the non-commercial conversion of weapons into those specified in Art. 4 para. 1, are prohibited.
- 1a) The non-commercial conversion of weapons into firearms or essential weapon components other than those covered by Art. 4 para. 1 is subject to authorization or notification. Art. 12, 14 para. 3, Art. 15, 16, 18 para. 3, and Art. 20 apply mutatis mutandis.
- 2) The government may grant exemptions. It shall regulate the conditions by ordinance.
- 3) The reloading of ammunition for personal use is permitted. Art. 27

Prohibited modifications

- 1) The conversion of semi-automatic firearms into automatic firearms, the alteration or removal of weapon numbers, and the shortening of firearms are prohibited.
 - 2) The government may grant exceptions. It shall regulate the conditions by ordinance.
- C. Accounting, reporting, and disclosure requirements

Art. 28

Accounting

- 1) Holders of firearms trading licenses are required to keep records of the manufacture, conversion, procurement, sale, or other distribution of firearms, essential or specially designed firearm components, firearm accessories, high-capacity loading devices, ammunition, and gunpowder, as well as repairs to restore the firing capability of firearms.
- 2) The books referred to in paragraph 1 and copies of the weapons acquisition permits, exemptions, and written contracts must be kept for ten years.
- 3) The documents referred to in paragraph 2 must be handed over to the state police:
 - a) after the retention period has expired;
 - b) after the trader has ceased trading; or
 - c) after the revocation or withdrawal of the firearms trading license.
- 4) The state police shall retain the documents for 20 years and grant domestic law enforcement authorities and courts access to them upon request for the purpose of fulfilling their statutory duties.

Art. 28a

Reporting obligation

- 1) If a transfer of firearms, essential or specially designed weapon components, weapon accessories, ammunition, or ammunition components takes place between holders of a firearms trading license, the transferring person must immediately report the transfer to the state police using the electronic means of communication specified by the government in a regulation.

2) Holders of a firearms trading license must immediately report to the state police any attempted purchase of ammunition or ammunition components that they found suspicious due to its nature or scope and which they therefore prevented.

Art. 29

Duty to provide information

Holders of firearms trading licenses and their staff are obliged to provide the supervisory authorities with all information necessary for proper supervision.

V. Foreign transactions

Art. 30

Brokerage and trade abroad

Brokerage to natural or legal persons abroad and trade from Liechtenstein outside the Liechtenstein-Swiss customs territory in weapons, weapon components, weapon accessories, ammunition, or ammunition components are governed by the War Material Act if the goods are also covered by it.

Art. 31

Import of firearms from Switzerland

Anyone importing firearms, prohibited weapons, or ammunition (Art. 4 para. 1 and Art. 5) into Liechtenstein when moving their place of residence from Switzerland must report this to the national police in advance.

Art. 32

Accompanying document

- 1) Anyone wishing to export firearms, their essential components, or ammunition to a country that is bound by the Schengen acquis requires an accompanying document from the national police.
- 2) No accompanying document is required for persons who wish to export firearms, their essential components, or ammunition that is also covered by the legislation on war material to a state that is bound by the Schengen acquis on a commercial basis.
- 3) If the final recipient is not entitled to possess the firearms, essential components, or ammunition under the law of the country of destination, no accompanying document will be issued.

4) The accompanying document shall contain all necessary information on the transport of the firearms, essential components, or ammunition to be exported, as well as the data required to identify the persons involved. It must accompany these items to their destination.

5) The state police shall forward the information at its disposal to the competent authorities of the states concerned by the export of the firearms, essential components, or ammunition.

Art. 33

Temporary export of firearms in tourist traffic

1) Anyone wishing to temporarily export firearms and associated ammunition to a country that is bound by the Schengen acquis must apply to the state police for a European Firearms Pass.

2) The European Firearms Pass is issued for weapons for which the applicant can provide credible evidence of authorization. It is valid for a maximum of five years and can be renewed once for a further five years.

3) This is subject to the Swiss legal provisions applicable to exports under the customs treaty with Liechtenstein, in particular the Swiss legislation on war material, goods control, and weapons.

Art. 34

Temporary importation of firearms in tourist traffic

1) When temporarily bringing firearms and associated ammunition into Liechtenstein in tourist traffic, the European Firearms Pass must be carried at all times during the stay and presented to the authorities upon request.

2) This is without prejudice to the Swiss legal provisions applicable to imports into Liechtenstein under the customs treaty, in particular Swiss legislation on war material, goods control, and weapons.

Art. 35

Confirmation of weapon ownership

1) To facilitate travel to countries that are not bound by the Schengen Agreement, the state police may, upon request, issue a firearms possession certificate to owners of firearms; this applies in particular to hunters and sport shooters.

2) The confirmation of ownership of a weapon must be confiscated by the state police in the event of misuse.

VI. Storage, discovery, loss, carrying, and transport of weapons and ammunition

Art. 36

Storage

- 1) Weapons, essential weapon components, weapon accessories, ammunition, and ammunition components must be stored carefully and protected from access by unauthorized third parties.
- 2) In the case of automatic firearms, the breech must also be stored separately from the rest of the weapon in a steel container or safe that is theft-proof due to its weight or because it is anchored to the building, and which is equipped with a combination lock. The storage location may not be changed, either temporarily or permanently, without the permission of the state police.
- 3) In the case of weapon collections, or if several weapons are stored in close proximity to each other and can therefore no longer be secured individually, these rooms must be secured against burglary. In addition, these rooms must be secured in such a way that they cannot be accessed by unauthorized persons or without supervision.

Art. 37

Findings and loss

- 1) Provisions regarding finds in other laws shall apply to the discovery of weapons, essential weapon components, weapon accessories, and ammunition only to the extent that nothing else is specified in the following provisions.
- 2) Any loss or discovery of a weapon, essential weapon component, weapon accessory, or ammunition must be reported immediately to the state police.
- 3) The state police shall ensure that the found items are stored appropriately.
- 4) If the owner of the found items cannot be determined in accordance with paragraph 2:
 - a) after a period of five years, the state police may only hand over the item to the finder or a person named by the finder if the latter is entitled to possession in accordance with the provisions of this Act;

b) if the finder is not entitled to possess the item and has not made any other arrangements, the state police shall put it up for public auction or sale by a person authorized to trade in weapons and hand over the proceeds to the finder.

Art. 38

Carrying weapons

1) Anyone who wishes to carry or transport a weapon in public places requires a weapon carrying permit. This must be carried and presented to the police or customs authorities upon request. Art. 39 para. 1 remains reserved.

2) A person shall be granted a permit to carry a weapon if:

a) there are no impediments under Art. 12 para. 3;

b) they can demonstrate that they need a weapon to protect themselves, other persons, or property from an actual danger;

c) they have passed an examination on the handling of weapons and on knowledge of the legal requirements for the use of weapons; the government shall issue examination regulations.

3) The examination referred to in paragraph 2(c) may be waived in whole or in part if the applicant:

a) provides evidence of equivalent training; or

b) can credibly demonstrate in a further application that they have regularly practiced handling the firearm since the last examination and that the legal requirements have not changed significantly since that time.

4) The firearms license is issued by the state police for a specific type of weapon and for a maximum of five years. It may be subject to conditions.

5) The following persons do not need a weapon carrying permit:

a) Holders of a hunting license with regard to hunting weapons during hunting, as well as gamekeepers in the course of their duties;

b) Participants in events where weapons are carried in relation to historical events;

c) Participants in shooting events with soft air weapons on a secure site for carrying such weapons;

d) Actors for the use of firearms for theatrical purposes, provided that these have been rendered unusable for firing live rounds.

6) The government regulates the granting of weapons permits in detail, in particular the granting of permits to foreign members of the staff of diplomatic missions, permanent missions to international organizations, consular posts, and special missions, by means of an ordinance.

Art. 39

Transport of weapons

- 1) No weapons permit is required for the transport of weapons, in particular:
 - a) to and from courses, exercises, and events organized by shooting or hunting clubs;
 - b) to and from a holder of a firearms dealer's license;
 - c) to and from the purchaser and seller;
 - d) to and from specialist events;
 - e) when changing residence.
- 2) When transporting firearms, the weapon and ammunition must be kept separate.

VII. Shooting

ranges Art. 40

Operating license

- 1) Anyone who wishes to operate a publicly accessible shooting range or make significant changes to its nature or type of use requires an operating license from the government.
- 2) An operating license is granted to a person:
 - a) for whom there is no impediment under Art. 12 para. 3;
 - b) who is a citizen of an EEA member state or Switzerland, or who, as a third-country national, has been resident in Switzerland for at least twelve years without interruption and continues to reside there permanently;
 - c) who has the necessary technical and safety knowledge to operate a shooting range;
 - d) has taken out liability insurance with coverage of at least CHF 1 million;
 - e) who can present a building permit for the shooting range; and
 - f) provides evidence that the operation of the shooting range does not endanger or unnecessarily disturb or annoy any persons.

- 3) An operating license for mobile shooting ranges may not be granted.
- 4) Legal entities with legal capacity, as well as general partnerships and limited partnerships, must fulfill the requirements set out in paragraph 2, letters d to f, and appoint a responsible person. This also applies to branches of legal entities or general partnerships and limited partnerships based abroad. Companies based abroad within the meaning of the Tax Act will not be granted an operating license.
- 5) The responsible person under para. 4 must meet the requirements under para. 2 letters a to c and is responsible to the authorities for compliance with the security regulations.

Art. 41

Use of weapons and ammunition

- 1) The use of firearms, compressed air and CO₂ weapons and the associated ammunition at officially approved shooting ranges, the provisions on the acquisition, transfer, possession, and carrying of these weapons and ammunition (Art. 12 to 22 and 38) shall not apply, subject to Art. 12 para. 3. Art. 12 para. 3 lit. a applies with the proviso that persons who have reached the age of 14 may use firearms, compressed air and CO₂ weapons and the associated ammunition at officially approved shooting ranges in the presence of a supervisor who is qualified to supervise shooting.
- 2) Paragraph 1, sentence 1 also applies mutatis mutandis to the collective transport of firearms, compressed air and CO₂ weapons to and from officially approved shooting ranges by members of shooting clubs.

VIII. Exemptions, monitoring, administrative sanctions, and fees

A. Exemptions Art. 42

Exemptions

- 1) Exemptions under this Act may only be granted if:
 - a) there are good reasons;
 - b) there are no impediments under Art. 12 para. 3; and
 - c) the special conditions laid down by law are met.
- 2) Valid reasons are:
 - a) for firearms and essential or specially designed components:

1. professional requirements, in particular with regard to the performance of protective tasks such as the protection of sensitive infrastructure, valuable transports, or persons;
2. sport shooting;
3. collecting; or
4. educational, cultural, documentation, and research purposes;
- b) in the case of non-firearms and weapon accessories, in particular:
 1. professional requirements;
 2. use for industrial purposes;
 3. Compensation for physical disabilities;
 4. Collecting;
 5. hunting purposes.
- 3) The state police must review the conditions for granting an exemption permit regularly, at least every five years.

Art. 42a

Special conditions for sport shooters

- 1) The granting of exceptional permits under Art. 42 for sport shooters is only permissible if:
 - a) the permit is restricted to:
 1. serial firearms converted to semi-automatic firearms;
 2. semi-automatic center-fire firearms with high-capacity loading devices;
 3. essential or specially designed components of weapons according to sections 1 and 2;
 - b) the items referred to in letter a meet the specifications required for a recognized discipline of an official shooting sports organization or shooting sports association.
- 2) Exemptions under paragraph 1 may only be granted to persons who:
 - a) are members of a shooting club;
 - b) have been regularly practicing shooting sports in this club for at least 12 months; and

c) actively train for and participate in recognized shooting competitions organized by an official sports shooting organization or an officially recognized sports shooting association.

Art. 42b

Special requirements and obligations for collectors and museums

1) Exemptions under Art. 42 for collectors may only be granted to persons who:

- a) submit a concept describing the aim and purpose as well as the systematics of the collection;
- b) have the necessary expertise and experience in handling weapons;
- c) can prove that they have taken appropriate precautions to ensure the safe storage of the collection (Art. 36).

2) Collectors must:

- a) keep a register of all firearms in their possession in accordance with Art. 4 para. 1; the register must be kept up to date at all times;
- b) be able to present the register and the associated exemption permits issued by the state police at any time upon request.

3) Exemptions for museums may be granted if the requirement under para. 1(c) is met.

B. Control, administrative sanctions, and fees Art. 43

Control

1) The state police are authorized, in the presence of the person who holds a permit under this law or their representative, to:

- a) check compliance with the conditions and requirements associated with the permit;
- b) to visit the business premises of the holder of a firearms trading permit during normal working hours without prior notice and to inspect the relevant files.

2) The state police are also authorized to check the careful storage of weapons, essential weapon components, weapon accessories, ammunition, and ammunition components, in particular in the case of persons who:

- a) have an exemption permit under Articles 42 to 42b; or

- b) own a large number of firearms subject to a firearms acquisition permit.
- 3) During an inspection, the state police must take the measures necessary to restore the lawful situation. It shall provisionally seize incriminating material and objects if immediate seizure cannot be postponed. Any permits may also be revoked upon seizure.
- 4) The inspection and review referred to in paragraph 1 shall be repeated regularly for holders of a firearms dealer's license.
- 5) Weapon owners must facilitate inspections. Art. 44

Withdrawal of permits

The competent enforcement authority shall revoke a permit if:

- a) the conditions for its issuance are no longer met;
- b) the conditions and requirements associated with the permit are no longer met;
- c) it was obtained by providing incorrect or misleading information or by concealing essential facts;
- d) it is being used improperly. Art. 45

Obligation to cooperate

- 1) The applicant is obliged to cooperate in determining the conditions for approval if the competent authority is unable to ascertain the facts relevant to the decision on its own initiative. To this end, the authority may also require the applicant to undergo a medical examination by a public health officer or consult other experts.
- 2) Paragraph 1 applies mutatis mutandis if evidence subsequently emerges of impediments under Art. 12 para. 3 or the cessation of conditions for approval. Art. 46

Right to report

Persons who are bound to maintain official or professional secrecy are entitled to report to the state police any persons who:

- a) endanger themselves or third parties through the use of weapons;
- b) threaten to use weapons against themselves or third parties.

Art. 47

Seizure and confiscation

1) The state police shall ensure:

- a) Weapons carried by persons without authorization;
- b) Weapons, essential and specially designed weapon components, weapon accessories, ammunition, and ammunition components in the possession of persons who are subject to an impediment under Article 12(3) or who are not authorized to acquire or possess them;
- c) Firearms, their essential components, or their accessories that are not marked in accordance with Art. 25;
- d) smallest packaging units of ammunition that are not marked in accordance with Article 25a;
- e) High-capacity loading devices and the associated firearms in the possession of persons who are not authorized to acquire or possess them.

2) If it seizes weapons, essential or specially designed weapon components, weapon accessories, high-capacity loading devices and the associated firearms, ammunition, or ammunition components from the possession of a person who is not entitled to own them, it shall return these items to the person entitled to own them if they were acquired legally and there is no impediment under Art. 12 para. 3.

2a) If it seizes high-capacity loading devices and the associated firearm, the owner must submit an application for an exemption permit in accordance with Art. 42 to 42b within three months or transfer the items to an authorized person.

3) The government shall confiscate the seized items and order their forfeiture if:

- a) there is a risk of misuse, in particular because such items have been used to threaten or injure persons;
- b) the items are items referred to in paragraph 1(c) and (d) that were manufactured after August 1, 2012; or
- c) the items have not been transferred to an authorized person and the application under para. 2a has not been submitted or rejected.

4) The government shall regulate the procedure in cases where return is not possible by means of an ordinance.

Art. 48

Receipt of weapons by the state police

The state police is obliged to accept weapons, essential and specially designed weapon components, weapon accessories, ammunition, and ammunition components free of charge. The government may impose a fee on holders of a weapons trading license for the acceptance of such items.

Art. 49

Central office

The state police serves as the central reception and reporting office for the exchange of information with other states that are bound by the Schengen acquis.

Art. 50

Cooperation between domestic authorities

The authorities of the state and municipalities, as well as public institutions and bodies, shall provide the competent enforcement authorities with all information necessary for the enforcement of this Act.

Art. 51

Fees

1) Fees shall be charged for official acts under this Act, in particular for the issuance of permits and confirmations, the conduct of examinations, and special services provided by the enforcement authorities.

2) The government shall determine the amount of the fees by ordinance.

IX. Data

protection Art.

52

Processing of personal data

1) The competent enforcement authorities may process all personal data, including special categories of personal data and personal data relating to criminal convictions and offenses, that they need in order to perform the tasks assigned to them under this Act.

2) In order to fulfill their statutory duties, the competent enforcement authorities shall maintain registers in which the following data may be entered:

a) the personal details and registration number of the purchaser and the transferor of a weapon;

- b) the personal details and registration number of the holder of a firearms trading or operating license or, in the case of legal entities, the company name, registered office, legal form, and registration number, as well as the personal details of the managing director or responsible person;
 - c) the personal details and registration number of the holder of a weapon carrying permit;
 - d) data on weapons, essential or specially designed weapon components, weapon accessories, and ammunition or ammunition components, such as type, manufacturer, designation, caliber, and identification number;
 - e) date of transfer or destruction of weapons, essential or specially designed weapon components, weapon accessories, and ammunition or ammunition components;
 - f) Requirements and conditions associated with a permit;
 - g) Circumstances that have led to the revocation or refusal of a license;
 - h) administrative or criminal proceedings and sanctions;
 - i) Information on reports from states bound by the Schengen acquis concerning refusals to grant authorizations to acquire firearms for security reasons relating to the reliability of the person concerned.
- 3) The registers referred to in paragraph 2 may also be kept in electronic form.
- 4) The government shall regulate the details, in particular security, retention period, correction, and deletion of data, by ordinance.

Art. 53

Disclosure of personal data

- 1) The competent enforcement authorities may disclose personal data to the following authorities for the purpose of fulfilling their statutory duties:
- a) domestic law enforcement agencies and courts, as well as other authorities responsible for enforcing this law;
 - b) the competent authorities of the country of residence or home country;
 - c) foreign police, law enforcement, and security authorities, as well as INTERPOL offices.
- 2) Data relating to the acquisition of firearms or essential weapon components by persons residing in another state

which is bound by the Schengen acquis, must be passed on to the competent authorities of the country of residence of the person concerned.

3) The competent enforcement authorities shall forward to other states bound by the Schengen acquis information from registers pursuant to Art. 52 para. 2 concerning the refusal of a firearms acquisition permit or an exemption permit on grounds of security in connection with the reliability of the person concerned.

4) The exchange of information with states bound by the Schengen acquis may also be carried out automatically using the information systems provided for this purpose.

Art. 54

Repealed

Art. 55

Repealed

Art. 56

Repealed

Art. 57

Repealed

Art. 58

Repealed

X. Legal

remedies Art. 59

Appeal

1) Decisions and orders issued by the state police may be appealed within 14 days of delivery by submitting a request to the state police or a complaint to the government.

2) Appeals against decisions and orders of the government may be lodged with the government or the Administrative Court within 14 days of delivery.

3) The provisions of the law on general provincial administration apply to the proceedings.

XI. Penal provisions Art.

60

Misdemeanors and crimes

- 1) The regional court shall punish anyone who intentionally commits the following offenses with imprisonment of up to one year or a fine of up to 360 daily rates:
 - a) offers, transfers, brokers, acquires, possesses, manufactures, modifies, converts, carries, or exports weapons, essential or specially designed weapon components, weapon accessories, ammunition, or ammunition components to a country bound by the Schengen acquis without authorization;
 - b) obtains a weapons trading license by providing false or incomplete information;
 - c) violates the obligations under Art. 28;
 - d) as the holder of a weapons trading license:
 1. fails to store weapons, essential or specially designed weapon components, weapon accessories, ammunition, or ammunition components securely (Art. 23 para. 2 lit. e);
 2. manufactures firearms, their essential components, weapon accessories, or ammunition without marking these items in accordance with Art. 25 or 25a;
 3. offers, acquires, transfers, or brokers firearms, essential components of firearms, firearm accessories, or ammunition that have not been marked in accordance with Art. 25 or 25a;
 4. offering, acquiring, transferring, or brokering firearms, their essential or specially designed components, accessories, or ammunition that have been unlawfully brought into the territory of Liechtenstein;
 - e) without authorization, removes, obscures, alters, or adds to the markings required under Art. 25 on firearms, their essential components, or their accessories;
 - f) operates a shooting range (Article 40) without an operating license or significantly changes its nature or type of use;
 - g) offers, transfers, or brokers weapons, essential or specially designed weapon components, weapon accessories, ammunition, or ammunition components to persons under Art. 9 para. 1 who cannot present an exemption permit under Art. 9 para. 2;
 - h) rendering the control of safe storage (Art. 43 para. 2) impossible.
- 2) In the case of negligent commission of an offense, the maximum penalty is reduced by half.

3) The regional court shall punish as a felony with imprisonment of up to five years anyone who intentionally and commercially, without authorization:

- a) offers, transfers, brokers, manufactures, repairs, modifies, converts, or exports weapons, essential or specially designed weapon components, weapon accessories, ammunition, or ammunition components to a state bound by the Schengen acquis;
- b) offers, acquires, transfers, or brokers firearms that are not marked in accordance with Art. 25 or 25a or that have been unlawfully brought into Liechtenstein territory, as well as their essential or specially designed components, weapon accessories, or ammunition.

4) The provisions of the Criminal Code and ancillary criminal laws remain reserved.

Art. 61

Offenses

1) The district court shall impose a fine of up to CHF 20,000 for an offense, or in the event of non-payment, up to three months' imprisonment, on anyone who:

- a) obtains a firearms acquisition permit or a firearms carrying permit by providing false or incomplete information, without fulfilling the conditions set out in Art. 60 para. 1 lit. a;
- b) fires a firearm without authorization (Art. 4 para. 2 and 3);
- c) fails to comply with its due diligence obligations when transferring weapons, essential or specially designed weapon components, ammunition or ammunition components, and high-capacity loading devices (Articles 15, 17, 21(2) and 21a(2));
- d) fails to comply with its obligations under Art. 18(1) and (2) or provides false or incomplete information on the contract;
- e) as a private individual, fails to store weapons, essential or specially designed weapon components, weapon accessories, ammunition, or ammunition components carefully (Art. 36);
- f) does not carry the weapon carrying permit with them (Art. 38 para. 1);
- g) fails to comply with their reporting obligations under Art. 10 para. 1, Art. 15, Art. 18 para. 3, Art. 23 para. 6, Art. 26 para. 1a, Art. 31, 37 para. 2, or Art. 65 para. 2;

- h) fails to fulfill its obligations under Art. 7, Art. 12(5), or Art. 18(4) in the event of acquisition by reason of death;
 - i) uses prohibited forms of offering (Article 11);
 - k) obtains the accompanying document (Article 32(1)) by means of false or incomplete information, or exports firearms, their essential components, or ammunition to a state bound by the Schengen acquis without the accompanying document accompanying the shipment;
 - l) carries firearms and the corresponding ammunition without a European Firearms Pass when entering from a state bound by the Schengen acquis (Art. 34 para. 1);
 - m) transporting a firearm without separating the weapon and ammunition (Art. 39 (2));
 - n) intentionally contravenes any other provision of this Act, the violation of which is declared punishable by the government in the implementing provisions;
 - o) for the purpose of deception in legal transactions, transfers a document provided for in this Act to another person, obtains or uses such a document issued for another person, or fraudulently obtains such a document, unless the act is punishable by a more severe penalty under another provision.
- 2) In the case of negligent commission, the maximum penalty shall be reduced by half.
- Art. 62

Responsibility

If the offenses under Articles 60 and 61 are committed in the course of business by a legal entity, a general partnership, a limited partnership, or a sole proprietorship, the penal provisions shall apply to the persons who acted or should have acted on behalf of the legal entity, partnership, or sole proprietorship, but the legal entity, partnership, or sole proprietorship shall be jointly and severally liable for the fines and costs.

XII. Transitional and final provisions Art. 63

Validity of old firearms acquisition and firearms licenses and old firearms dealer licenses

- 1) A firearms acquisition permit issued under the previous law entitles the holder to acquire a handgun until the expiry of the period of validity stated on the permit.

2) A firearms license issued under previous law entitles the holder to carry the handgun specified therein until the expiry of the period of validity stated on the license.

3) A firearms dealer's license issued under previous law remains valid unchanged.

Art. 64

Validity of old collection permits

A collection permit for automatic firearms issued under previous law shall remain valid until its expiry and entitles the holder to possess these items. However, permit holders are obliged to notify the state police of the weapon data (type, description, and number) within two months of this law coming into force.

Art. 65

Possession of weapons, weapon accessories, and ammunition

1) Anyone who has lawfully acquired weapons, essential or specially designed weapon components, weapon accessories, ammunition, and ammunition components prior to the entry into force of this Act may continue to possess these items and trade in them in accordance with this Act.

2) Anyone who already possesses firing devices as defined in Art. 4 para. 1 lit. e and their essential and specially designed components, grenade launchers as defined in Art. 3 para. 1 lit. b no. 3, or weapon accessories as defined in Art. 4 para. 1 lit. k must report these to the state police within three months of this law coming into force.

3) Within six months of the prohibition under Art. 4 para. 1 coming into force, an application for an exemption may be submitted for items under para. 2. Anyone who does not wish to submit an application must transfer the items to an authorized person within six months of the prohibition coming into force.

4) If the application for an exemption (para. 3) is rejected, the items must be transferred to an authorized person within four months of the rejection.

Art. 66

Weapons bans

A weapons ban issued under previous law shall remain in force until its expiry.

Art. 67

Subsequent registration

Anyone who already possesses a firearm or an essential weapon component in accordance with Art. 16 must register the item with the state police within one year of this law coming into force, providing the weapon details. Art. 68

Retrospective operating license for shooting ranges

Persons who operate a shooting range at the time this Act comes into force must apply to the government for an operating license in accordance with Art. 40 within one year of this Act coming into force at the latest.

Art. 69

Implementing regulations

1) The government shall issue the regulations necessary for the implementation of this Act, in particular regarding:

- a) the detailed requirements, the form and content of permits, and the procedure;
- b) prohibitions and restrictions in connection with ammunition (Art. 5);
- c) the prohibition for nationals of certain countries (Art. 9);
- d) the minimum requirements for business premises (Art. 23 para. 5);
- e) the minimum information to be included in the marking of firearms (Art. 25 para. 3);
- f) the procedure to be followed if it is not possible to return provisionally seized weapons (Article 47(4));
- g) the fees (Art. 51).

2) The government may conclude agreements with Switzerland on the enforcement of the legal provisions applicable to import, export, and transit, as well as on cooperation between the competent weapons authorities.

3) The government may conclude agreements with Switzerland on participation in the management and use of Swiss federal weapons databases, subject to data protection provisions, which contain the main characteristics of weapons and ammunition or the evaluation of firearm traces on weapons, ammunition, in particular ammunition used in crimes, and on persons involved in or affected by criminal offenses.

Art. 70

Delegation of tasks

The government may, by ordinance, delegate to the collegial government, subject to the right of appeal, the tasks assigned to it in Art. 23 para. 1, Art. 24 para. 1, Art. 26 para. 2 sentence 1, Art. 27 para. 2 sentence 1, Art. 40 para. 1, Art. 44, and Art. 47 para. 3 to the collegial government to an administrative office for independent execution, subject to the right of appeal.

Art. 71

Repeal of previous law

The following are repealed:

- a) Weapons Act of November 3, 1971, LGBI. 1971 No. 48;
- b) Act of May 29, 2008, amending the Weapons Act, LGBI. 2008 No. 190.

Art. 72

Entry into force

- 1) Subject to paragraph 2, this Act shall enter into force on July 1, 2009.
- 2) The government shall determine the date of entry into force of Art. 32, Art. 33, Art. 34, Art. 35, Art. 49, Art. 53 para. 2, Art. 54, Art. 55, and Art. 61 para. 1 lit. k and l by ordinance. The date of entry into force shall be determined no later than the date of full entry into force of the Protocol of February 28, 2008, between the European Union, the European Community, and the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community, and the Swiss Confederation on the Association of the Swiss Confederation with the Implementation, Application, and Development of the Schengen Area.to the Agreement between the European Union, the European Community, and the Swiss Confederation on the Swiss Confederation's association with the implementation, application, and development of the Schengen acquis.

X. ZIGG

Law

of October 20, 2004

on cooperation with the International Criminal Court and other international courts
(ZIGG)

I hereby approve the following resolution passed by the state parliament:

I. General provisions

Art. 1

Terms and definitions

1) For the purposes of this Act, the following definitions apply:

a) "International Criminal Court": the International Criminal Court established by the Rome Statute of the International Criminal Court of July 17, 1998 (Rome Statute), including its chambers and the Office of the Prosecutor, the members of these chambers and the Office of the Prosecutor, as well as the Presidency and the Registry;

b) "International Court":

1. the International Tribunal for the Former Yugoslavia established by Resolution 827 (1993) of the United Nations Security Council of May 25, 1993,

2. the International Tribunal for Rwanda established by United Nations Security Council Resolution 955 (1994) of November 8, 1994,

3. the Special Court for Sierra Leone, established by United Nations Security Council Resolution 1315 (2000) of August 14, 2000, and created pursuant to an agreement between the United Nations and the Government of Sierra Leone, and

4. the Extraordinary Chambers in the Courts of Cambodia, established by United Nations General Assembly Resolution 57/228 of May 22, 2003, and established on the basis of an agreement between the United Nations and the Royal Government of Cambodia, including the chambers and prosecution authorities established in accordance with the Statute and the members of these chambers and prosecution authorities.

1a) The government may, by ordinance, designate other courts, tribunals, or similar institutions as international courts within the meaning of Art. 1 para. 1 lit. b, provided that they:

a) were established by the United Nations or have an international character on the basis of an agreement with the United Nations or because of their at least partial international composition; and

b) have judicial functions and powers comparable to those of the courts listed in para. 1(b)(1) to (4).

2) The terms used in this Act to refer to persons, functions, and professions shall be understood to apply to both female and male persons.

Art. 2

General principle

1) The Liechtenstein authorities, in particular the courts, public prosecutors, law enforcement authorities, and security authorities, are obliged to cooperate fully with the International Criminal Court and the International Court of Justice.

2) The obligation under paragraph 1 consists in particular of:

a) making available to the International Criminal Court, in accordance with the provisions of this Act and in accordance with the Rome Statute and the Rules of Procedure and Evidence of the International Criminal Court, information and documents available in Liechtenstein concerning suspected crimes falling within its jurisdiction, providing it with legal assistance, and transferring accused persons to it and to take over the enforcement of sentences and the execution of fines and property orders;

b) the International Court, in accordance with the provisions of this Act and in accordance with the resolutions of the Security Council or the General Assembly of the United Nations, as well as the Statute and Rules of Procedure of the International Court, to make available information and documents in Liechtenstein concerning suspected violations falling within its jurisdiction, to provide it with legal assistance, to transfer accused persons and to take charge of convicted persons for the enforcement of sentences, and to enforce fines and property orders.

3) Unless otherwise provided for in this Act, the Mutual Legal Assistance Act (RHG) and the Code of Criminal Procedure (StPO) shall apply to the proceedings.

Art. 3

Jurisdiction of the International Criminal Court and the International Court of Justice

1) The International Criminal Court shall have jurisdiction, in accordance with the provisions of the Rome Statute, to prosecute and punish persons who have committed crimes within the meaning of Art. 5 para. 1 lit. a to d, 6 to 8, and 25 of the Rome Statute (genocide, crimes against humanity, war crimes, and crimes of aggression) committed after its entry into force (Art. 10 to 13 of the Statute).

2) The International Court pursuant to Art. 1 para. 1 lit. b para. 1, has jurisdiction to prosecute and punish persons accused of serious violations of international humanitarian law committed since January 1, 1991, in the territory of the former Socialist Federal Republic of Yugoslavia, including its airspace and territorial sea. Serious violations of international humanitarian law to be prosecuted by this court are defined in Articles 2 to 5 of the Statute of this court as serious violations of the Geneva Conventions of August 12, 1949, violations of the laws or customs of war, genocide, and crimes against humanity.

3) The International Court pursuant to Art. 1 para. 1 lit. b no. 2 is responsible for the prosecution and punishment of persons who, on the territory of Rwanda, have committed-including acts committed in the airspace, as well as for the prosecution and punishment of Rwandan nationals who are accused of such acts and violations committed in the territory of Rwanda's neighboring states. The jurisdiction covers acts committed between January 1, 1994, and December 31, 1994. Serious violations of international humanitarian law to be prosecuted by this court are those defined in Articles 3 and 4 of the Statute of this Court and violations under Article 3 of the Geneva Convention of August 12, 1949, on the Protection of Civilian Persons in Time of War, as amended by Additional Protocol II of June 8, 1977.

4) The International Court pursuant to Art. 1 para. 1 lit. b (3) has jurisdiction to prosecute and punish persons who bear the greatest responsibility for serious violations of international humanitarian law and the law of Sierra Leone committed in the territory of Sierra Leone since November 30, 1996, including those leaders whose conduct threatened the initiation and implementation of the peace process in Sierra Leone.

have threatened the initiation and implementation of the peace process in Sierra Leone. Serious violations of international humanitarian law to be prosecuted by this Court are defined in Article 2 of the Statute of this Court as crimes against humanity, serious violations of Article 3 of the Geneva Convention of August 12, 1949, on the Protection of Civilian Persons in Time of War, and serious violations of Additional Protocol II of June 8, 1977, as defined in Article 3 of the Statute. 3 of the Geneva Convention of 12 August 1949 relative to the Protection of Civilian Persons in Time of War and Additional Protocol II of 8 June 1977, other serious violations of international humanitarian law as defined in Article 4 of the Statute, and crimes under the law of Sierra Leone as defined in Article 5 of the Statute.

5) The International Court pursuant to Art. 1 para. 1 lit. b no. 4 is responsible for prosecuting and punishing high-ranking leaders of Democratic Kampuchea and those primarily responsible for crimes and serious violations of Cambodian criminal law, international humanitarian law, customary international law, and international agreements recognized by Cambodia. Such crimes and serious violations of international humanitarian law to be prosecuted by this Court include the crime of genocide as defined in the Convention of December 9, 1948, on the Prevention and Punishment of the Crime of Genocide, crimes against humanity within the meaning of the Rome Statute, serious violations of the Geneva Conventions of August 12, 1949, and other crimes described in Chapter II of the Cambodian Law of August 10, 2001, on the Establishment of Extraordinary Chambers. Art. 4

Liechtenstein jurisdiction

- 1) The jurisdiction of the Liechtenstein courts is not excluded by the jurisdiction of the International Criminal Court or the International Court of Justice.
- 2) However, Liechtenstein jurisdiction does not apply to acts for which the suspect has been convicted or acquitted by the International Criminal Court or the International Court of Justice.

Art. 5

Challenging the admissibility of proceedings before the International Criminal Court; transfer of proceedings to the International Criminal Court or the International Court

1) If the International Criminal Court asserts its jurisdiction over a criminal case, the member of the Government responsible for justice may assert Liechtenstein's jurisdiction within the meaning of Art. 18 of the Rome Statute or challenge the admissibility of the proceedings or the jurisdiction of the Court under Art. 19 of the Rome Statute.

2) The admissibility of the proceedings shall be challenged if:

a) the person has been convicted or acquitted of the offense by a Liechtenstein court in a final judgment;

b) criminal proceedings are pending before the domestic public prosecutor's office or before such a court for an offense committed in the domestic territory or for an offense committed by a domestic national, or are made pending on the basis of a request from the International Criminal Court for arrest and transfer or for the provision of legal assistance, unless, in view of the particular circumstances, in particular for reasons of truth-finding or connection with other crimes underlying the proceedings before the Court, preference should be given to the conduct of criminal proceedings by the International Criminal Court; or

c) proceedings were pending before the public prosecutor's office or a court in Switzerland for the same offense, but were discontinued for reasons other than those relating exclusively to procedural law.

3) In order to enable the admissibility to be challenged, the public prosecutor's office must report to the member of the government responsible for justice on pending criminal cases involving criminal acts falling within the jurisdiction of the International Criminal Court.

4) The member of the government responsible for justice may lodge an appeal against the decision of the International Criminal Court on the admissibility of the proceedings with the Court within five days.

5) If the admissibility of the proceedings before the International Criminal Court or its jurisdiction is not contested, or if the International Criminal Court definitively affirms its jurisdiction, or if there is a formal request from the International Court to transfer the prosecution of criminal acts falling within its jurisdiction, the regional court shall take all necessary measures to secure the person and the evidence.

and then to provisionally suspend the proceedings and submit a complete copy of the file to the Office of Justice for forwarding to the International Criminal Court or the International Court of Justice. If items of evidence are attached, it must be stated whether their return is waived.

6) The Liechtenstein criminal proceedings shall be discontinued after a final decision by the International Criminal Court or the International Court. However, the proceedings shall be continued by order at the request of the public prosecutor if:

- a) the prosecutor at the International Criminal Court or the International Court decides not to bring charges or withdraws the charges;
- b) the International Criminal Court or the International Court rejects the indictment after review; or
- c) the International Criminal Court finds that it has no jurisdiction or that the proceedings are inadmissible, or the International Court finds that it has no jurisdiction.

Art. 6

Referral of a case to the International Criminal Court

1) The Government shall decide on the submission of a case to the International Criminal Court within the meaning of Art. 14 of the Rome Statute.

2) In the cases referred to in Art. 5 para. 2, the referral of a case to the International Criminal Court shall not be considered.

Article 7

Transfer of nationals

Liechtenstein citizenship does not preclude transfer to the International Criminal Court or the International Court of Justice, transit or transfer through the country, or transfer to another state for the enforcement of a sentence imposed by the International Criminal Court or the International Court of Justice.

Art. 8

Relations with the International Criminal Court and the International Court

1) Communication with the International Criminal Court or the International Court shall generally take place through the mediation of the member of the government responsible for the Ministry of Foreign Affairs. Documents relating to the execution of sentences shall also be transmitted to the International Criminal Court or the International Court through the mediation of the member of the government responsible for the Ministry of Foreign Affairs

if their requests have been received by the Liechtenstein judicial or administrative authorities by other means.

2) The courts and the public prosecutor's office shall forward communications addressed to the International Criminal Court or the International Court of Justice, as well as the files, to the Office of Justice for transmission.

3) In urgent cases and within the framework of mutual assistance in criminal matters, direct communication between the Liechtenstein authorities and the International Criminal Court and the International Court of Justice or communication via the International Criminal Police Organization (INTERPOL) is permitted. In urgent cases, the use of any means of communication that allows a written version to be produced under conditions that permit the authenticity of the request to be established is also permitted. Requests transmitted in this way must be confirmed through the official channels provided for in paragraph 1.

4) Requests from the International Criminal Court and the International Court of Justice must be made in writing. Letters of request from the International Criminal Court and the documents attached in support thereof shall be submitted in German or with a certified translation into German. Requests and attachments from the International Court of Justice must be accompanied by translations into English or French. Responses to requests from the International Criminal Court and the International Court of Justice do not require translation.

Art. 9

Privileges and immunities

1) The judges, the head of the prosecution service, and the registrar of the International Court shall enjoy the privileges, immunities, exemptions, and facilities accorded to diplomats under international law.

2) The staff of the Prosecutor and the Registrar shall enjoy the privileges and immunities accorded to officials of the United Nations under Articles V and VII of the Convention of February 13, 1946, on the Privileges and Immunities of the United Nations.

Article 10

Obligation to consult; rejection of requests from the International Criminal Court

1) Consultations with the International Criminal Court shall be held for the purpose of resolving the matter, in particular if the execution of a request from the Court would be contrary to a recognized principle of law (Article 93(3) of the Rome Statute).

- a) would be contrary to a recognized principle of law (Art. 93(3) of the Rome Statute);
 - b) would prejudice national security (Articles 72 and 93(4) of the Rome Statute);
 - c) violate the immunity of a person or the property of another State (Article 98(1) of the Rome Statute);
 - d) would be contrary to obligations under international law requiring the consent of the sending State for the transfer of a national of that State to the Court (Article 98(2) of the Rome Statute).
- 2) During the consultations, it shall be examined whether the request can be complied with in another manner or under certain conditions.
- 3) If the matter cannot be resolved in the course of consultations, the International Criminal Court shall be requested to modify the request. If modification of the request by the International Criminal Court is not possible, the request shall be refused.
- 4) The government shall decide on the rejection. The International Criminal Court shall be notified of the rejection of the request, stating the reasons.

Art. 11

Costs

- 1) The costs of executing requests from the International Criminal Court shall be borne by the Principality of Liechtenstein. The following are excluded:
- a) costs incurred in connection with the transfer of prisoners for the purpose of taking evidence pursuant to Art. 93 of the Rome Statute;
 - b) Translation, interpretation, and transcription costs;
 - c) costs of findings or expert opinions requested by the Court;
 - d) costs associated with the transport of a person being transferred to the Court;
 - e) exceptional costs that may arise from the execution of a request after consultations.

2) The member of the government responsible for justice may waive the assertion of the costs referred to in paragraph 1 against the International Criminal Court if these are only minor or if there are other reasons worthy of consideration.

3) Paragraph 1 shall apply to requests under Article 22, with the proviso that, subject to the cases listed in letters a to e, the costs shall be borne by the International Criminal Court.

4) The processing of requests from the International Court of Justice is generally free of charge.

Article 12

Confidentiality

Requests from the International Criminal Court and the International Court of Justice and all documents attached to them shall be treated as confidential, unless their disclosure is necessary for the execution of the request.

Art. 13

Safe conduct

1) Persons who have been summoned from abroad by the International Criminal Court or the International Court of Justice to appear before one of these courts, or whose presence is required at the seat of the International Criminal Court or the International Court of Justice, shall have the right to free passage through the territory of the Principality of Liechtenstein for this purpose. They may not be prosecuted, punished, or have their personal freedom restricted in Liechtenstein for any act committed prior to their entry into the country.

2) However, prosecution, punishment, or restriction of personal freedom for an act committed prior to entry is permissible if the summoned person exceeds the duration of stay in Liechtenstein territory that is reasonable for transit, even though they could have actually left the territory of the Principality of Liechtenstein.

3) Safe conduct does not apply if the International Criminal Court or the International Court of Justice requests the arrest of the invited person (Art. 25, 27, and 28).

II. Special provisions

A. Investigations and proceedings of the International Criminal Court or the International Court of Justice in Liechtenstein

Art. 14

Investigations and proceedings

1) The International Criminal Court and the International Court of Justice are authorized to independently examine witnesses and defendants in Liechtenstein and to conduct inspections of public places and other evidence collection, provided that this does not involve making any changes, if this has been communicated in advance to the member of the government responsible for the justice sector, stating the time and subject matter of the investigations, and provided that the investigations are conducted without coercion and other evidence if this has been communicated in advance to the member of the government responsible for justice, stating the time and subject matter of the investigations, and if coercive measures are neither used nor threatened during the investigations. In such cases, no special consent is required for members and investigators of the International Criminal Court and the International Court to perform their duties in Liechtenstein.

2) The International Criminal Court and the International Court shall be authorized to conduct hearings in Liechtenstein, unless the member of the Government responsible for justice objects on the grounds of serious concerns affecting the security of the Principality of Liechtenstein or the International Criminal Court or the International Court.

3) The Liechtenstein authorities shall support the members and investigators of the International Criminal Court and the International Court in their independent activities in Liechtenstein. In doing so, they may only take coercive measures if a written request for legal assistance has been submitted and the requested legal assistance has been ordered by the Liechtenstein court. The admissibility and enforcement of such coercive measures are governed by Liechtenstein law.

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B. Legal assistance; procedural rules

Art. 15

Procedural rules for the execution of requests for legal assistance

1) Mutual legal assistance for the International Criminal Court or the International Court of Justice shall be provided in accordance with the provisions applicable in Liechtenstein on mutual legal assistance in criminal matters.

2) A request by the International Criminal Court or the International Court for compliance with certain formal requirements shall be complied with if this is compatible with the principles of Liechtenstein criminal procedure law.

. Audio or video recordings and video transmissions of mutual legal assistance proceedings shall always be permitted if requested by the International Criminal Court or the International Court.

3) Members and investigating officers of the International Criminal Court and the International Court and other persons involved in the proceedings, as well as their legal counsel, may be permitted to be present and participate in mutual legal assistance proceedings at the request of the International Criminal Court or the International Court. For this purpose, they shall be notified of the place and time of the mutual legal assistance proceedings.

4) A request from the International Criminal Court or the International Court for criminal investigations or information may also be dealt with under Liechtenstein law by the member of the government responsible for justice without referral to the court.

Art. 16

Postponement of the execution of requests for mutual legal assistance from the International Criminal Court

1) The execution of a request for legal assistance from the International Criminal Court may be postponed:

a) until a decision has been made on a challenge to jurisdiction under Articles 17 to 19 of the Rome Statute, unless the International Criminal Court has expressly ordered that the Prosecutor may continue to take evidence under Article 18 or 19 of the Rome Statute;

b) for a period agreed with the Court if immediate execution of the request would prejudice ongoing investigations or prosecutions in a case other than that to which the request relates.

2) The member of the government responsible for justice shall decide on the postponement.

3) Before deciding on a postponement under paragraph 1(b), it shall be examined whether the requested legal assistance can be provided immediately under certain conditions. If a postponement is decided, a request from the International Criminal Court for measures to preserve evidence shall nevertheless be complied with.

Art. 17

Summons of persons

1) The International Criminal Court and the International Court of Justice are authorized to serve summonses and other documents on persons residing in Liechtenstein

directly by post. This does not preclude service through the Office of Justice.

2) The summoned person is not obliged to comply with the summons. At the request of the summoned person, the accused, or their defense counsel, the member of the government responsible for justice shall obtain an assurance from the International Criminal Court or the International Court that the person will not be prosecuted, detained, or subjected to any other restrictions on their personal liberty for acts committed prior to their departure from the Principality of Liechtenstein.

3) At the request of the International Criminal Court or the International Court, the Liechtenstein court shall, upon application, instruct witnesses and experts who have been summoned to appear before the International Criminal Court or the International Court to pay a reasonable advance on travel expenses. This advance payment shall be reclaimed if the witness or expert fails to appear at the hearing before the International Criminal Court or the International Court of Justice or otherwise fails to fulfill their obligations arising from the summons.

Art. 18

Hearing of a suspect at the request of the International Criminal Court

1) A person who is questioned on the basis of a request from the International Criminal Court on suspicion of having committed a criminal offense falling within its jurisdiction shall be informed before the questioning of the suspicion against them and of their right to

a) not to testify without fear that their silence will be taken into account in determining their guilt or innocence,

b) be represented by a defense counsel of their choice and, if they do not have a defense counsel, to request the appointment of a legal aid defense counsel in accordance with Section 26 (2) StPO, and

c) to be questioned in the presence of a defense attorney, unless she expressly and voluntarily waives this right.

2) The instruction and the statements made by the person to be questioned must be recorded in the minutes. If the conditions set out in Section 26

(2) of the Code of Criminal Procedure are met and the person requests to be questioned in the presence of a defense attorney, the accused shall be provided with a defense attorney even without a request, the costs of which he shall not bear.

Art. 19

Transfer of prisoners to the International Criminal Court for the purpose of evidence

1) A person who is in pre-trial detention or serving a prison sentence on the basis of a Liechtenstein court decision shall, at the request of the International Criminal Court, be transferred to the Court for the purposes of identification, questioning, confrontation, or any other investigative measure under conditions to be agreed upon, provided that the person consents to the transfer.

2) If the person to be transferred is in custody on the basis of a request by the International Criminal Court for the enforcement of a sentence in accordance with Art. 35 para. 1, their consent to the transfer is not required.

3) The transfer shall not interrupt the execution of the pretrial detention or prison sentence.

Art. 20

Access to files and transmission of copies of files and information

1) At the request of the International Criminal Court or the International Court of Justice, mutual legal assistance shall be provided by transmitting objects, files, or copies of files (photocopies) and by granting access to files.

2) If the files concern national security, the International Criminal Court shall be consulted to determine whether the information can be obtained from another source or in another form.

3) If the matter cannot be resolved in the course of consultations pursuant to paragraph 2, the Government shall, before granting access to the files or transmitting copies of the files, examine whether the interests of confidentiality significantly outweigh the interests in the transmission of evidence for international criminal prosecution. If this is the case, the International Criminal Court shall be requested to give assurances of confidentiality and to disclose how confidentiality will be maintained. This procedure shall apply mutatis mutandis to the International Court of Justice in the case of files that are subject to a special duty of confidentiality or that concern national security.

4) The government must examine whether the assurance given is sufficient to protect confidentiality interests. Access to files or

the transmission of copies of files shall be refused if confidentiality cannot be guaranteed and if there is reason to fear that national security could be compromised in the event of disclosure.

5) Paragraphs 2 to 4 shall also apply if a person who has been requested to provide information or evidence refuses to do so on the grounds that disclosure would compromise national security.

6) If a person is questioned on the basis of a request for legal assistance from the International Criminal Court, they must be informed prior to questioning that they may refuse to testify in order to prevent the disclosure of confidential information relating to national security. This instruction must be recorded in the minutes. In such a case, the admissibility of mutual legal assistance shall be decided on the basis of the provisions of paragraphs 2 to 4.

Art. 21

Transmission of copies of files or information from third parties to the International Criminal Court

If the International Criminal Court requests mutual legal assistance through the transmission of copies of files (photocopies) or information that has been provided to the Liechtenstein authorities by another state or an intergovernmental or international organization subject to confidentiality, the documents may only be transmitted to the International Criminal Court with their consent. The Court shall be notified of any refusal to give consent.

Art. 22

Legal assistance by the International Criminal Court

1) If criminal proceedings are pending before a Liechtenstein court for conduct that constitutes a crime within the jurisdiction of the International Criminal Court or another serious crime under Liechtenstein law, the Court may be requested to provide legal assistance.

2) Requests must be made in writing. The letters of request and the supporting documents must be submitted in French or English or with a certified translation into one of these languages.

3) The courts and the public prosecutor's office shall submit requests addressed to the International Criminal Court to the Office of Justice for forwarding.

C. Search

Art. 23

1) If the International Criminal Court or the International Court requests a search for the purpose of arrest, or if the Liechtenstein authorities otherwise become aware of an arrest warrant issued by this court or tribunal, the Regional Court shall arrange for the wanted person to be sought for arrest in Liechtenstein for the purpose of transfer to the International Criminal Court or the International Court, provided that the request or arrest warrant contains the necessary information about the wanted person and the offense with which he or she is charged. The court with jurisdiction under Art. 27 para. 1 RHG may not be consulted if the person sought is not a national of Liechtenstein and there is no reason to believe that they are in Liechtenstein.

2) If a person sought by the International Criminal Court or the International Court is located or arrested in Liechtenstein, the member of the Government responsible for justice shall notify the International Criminal Court or the International Court thereof through the International Criminal Police Organization (INTERPOL).

D. Detention pending transfer, transfer, and transit

Art. 24

Offer of transfer

1) If there are sufficient grounds for believing that a person entering the country has committed a criminal offense falling within the jurisdiction of the International Criminal Court or the International Court, the public prosecutor's office shall, after the person has been questioned by the district judge, request the latter to submit a statement of facts to the member of the government responsible for justice.

2) The member of the government responsible for justice shall ask the International Criminal Court or the International Court whether the transfer of criminal prosecution and the transfer of the person are requested. If the accused is in custody, a reasonable time limit shall be set for the receipt of the transfer request. If the transfer request is not received in time, the regional court shall be notified immediately.

3) The provisions on the offer of extradition pursuant to Art. 28 (1) RHG to the state in which the criminal offense was committed remain unaffected. Art. 25

Provisional transfer detention

1) If a request for provisional arrest has been received from the International Criminal Court or the International Court, the district judge shall, at the request of the public prosecutor, arrange for the arrest of the person sought and impose provisional detention pending transfer if, on the basis of the facts communicated by the International Criminal Court or the International Court, there are sufficient grounds to believe that a person entering the country has committed a criminal offense falling within the jurisdiction of the International Criminal Court or the International Court, which would justify the imposition of pre-trial detention (§ 131 StPO) if the criminal offense had been committed in the country.

2) Provisional transfer detention may not be imposed or maintained if the purposes of detention can be achieved by simultaneous imprisonment, pre-trial detention, or extradition detention. In this case, the district judge shall order the deviations from the execution of detention that are indispensable for the purposes of provisional transfer detention for the International Criminal Court or the International Court. In all other respects, the provisions of the Code of Criminal Procedure on pre-trial detention shall apply to provisional transfer detention.

3) Provisional transfer detention may be lifted if the transfer request and accompanying documents are not submitted within 60 days of the date of arrest. Release from custody does not preclude re-arrest and transfer if the transfer request and accompanying documents are submitted at a later date.

4) The regional court shall immediately send copies of the decisions on the imposition, continuation, or revocation of provisional transfer detention to the Office of Justice for the purpose of informing the International Criminal Court or the International Court through the International Criminal Police Organization (INTERPOL).

Art. 26

Simplified transfer to the International Criminal Court

1) If the person taken into provisional custody on the basis of a request from the International Criminal Court pursuant to Art. 25 para. 1 has consented to be transferred to the International Criminal Court before the expiry of the period specified in Art. 25 para. 3, the regional court shall order the transfer, subject to a challenge to admissibility under Art. 5 para. 2. In such a case, the person shall be transferred to the International Criminal Court as soon as possible.

2) The district judge shall inform the person that their consent cannot be revoked. The information provided shall be recorded in the minutes.

3) In the case of simplified transfer, the International Criminal Court may refrain from transmitting the transfer request and accompanying documents.

*Transfer detention and transfer order**Art. 27**a) At the request of the International Criminal Court*

1) If the International Criminal Court requests the arrest and transfer of an accused person, the district judge shall, at the request of the public prosecutor, initiate transfer proceedings, arrange for the arrest of the accused person, impose transfer detention on him or her, and order his or her transfer to the International Criminal Court in accordance with the following paragraphs. The district judge shall not be entitled to review the suspicion on which the arrest warrant is based or the grounds for detention.

2) If there are significant doubts about the identity of the arrested person, the district judge shall arrange for appropriate investigations to be carried out or request the International Criminal Court to submit additional documents. In any case, the district judge must inform the accused of the reasons for the arrest warrant issued against him by the International Criminal Court and of his right to challenge the transfer on the grounds of violation of the principle of "ne bis in idem" laid down in Article 20 of the Rome Statute or lack of jurisdiction of the International Criminal Court under Articles 17 to 19 of the Rome Statute. He must also be informed of his right to apply for provisional release pending the transfer order. The accused must be provided with copies (photocopies) of the arrest warrant or conviction and

the relevant provisions of the Statute, together with the translation provided by the International Criminal Court.

3) If the accused declares that he or she will challenge the transfer on the grounds of a violation of Article 20 of the Rome Statute or lack of jurisdiction of the International Criminal Court, this must be communicated to the International Criminal Court, together with the necessary documents. At the same time, the Court must be informed whether the challenge has suspensive effect.

4) The decision on the transfer shall be postponed only in the event of a challenge to admissibility under Article 5(2) until the International Criminal Court has made its decision. In the event of a challenge to jurisdiction under Articles 17 to 19 of the Rome Statute by a third State, Article 30 shall apply.

5) Until the transfer order is issued, the accused has the right to apply for provisional release. When deciding on such an application, it must be examined whether, regardless of the seriousness of the crimes charged, there are urgent and exceptional circumstances that justify provisional release and whether the purpose of detention can be achieved by less severe means (§ 131 (5) StPO). Such an application shall not have suspensive effect.

6) A request under paragraph 5 must be communicated to the International Criminal Court with the remark that it has the right to make a recommendation within seven days. The recommendation must be taken into account when deciding on the request for release.

7) If the International Criminal Court in its recommendation or the public prosecutor's office opposes the release of the accused, the president of the High Court shall decide on the application without delay in a detention hearing.

8) The accused may lodge an appeal with the High Court against a decision rejecting his application for provisional release within three days of the decision being announced. Such an appeal shall not have suspensive effect.

9) Decisions to impose transfer detention and to order transfer may only be appealed in accordance with Art. 15 of the State Court Act. No legal remedy is available against a decision to initiate transfer proceedings.

Art. 28

b) At the request of the International Court

1) If there is an arrest warrant issued by the International Court on the basis of charges already brought, or a request from this court for the arrest and transfer of the accused, the district judge shall, at the request of the public prosecutor's office, initiate transfer proceedings and, if the person sought is not yet in custody, arrange for their arrest, impose transfer custody on them, and order their transfer. In all other respects, the provisions of the Code of Criminal Procedure on pre-trial detention, Sections 128, 129 (2), 130, 131 (8), 133 to 137, shall apply *mutatis mutandis* to transfer detention.

2) Before making a decision, the district judge shall immediately inform the arrested person of the charges brought before the International Court or the allegations made. If there are significant doubts as to whether the arrested person is the person sought, appropriate investigations shall be initiated or the International Court shall be requested to submit additional documents.

3) Decisions to impose transfer detention and to order transfer may only be appealed in accordance with Article 15 of the State Court Act. The public prosecutor's office may appeal to the High Court within three days against a decision refusing to initiate transfer proceedings or to impose transfer detention and transfer.

4) The transfer of the arrested person to the International Court shall take place within 14 days of the imposition of transfer detention. Domestic criminal or extradition proceedings shall not prevent the transfer. The International Court is not required to submit the original transfer documents.

5) The district judge shall immediately lift the transfer detention and revoke the transfer order:

- a) if the International Court so requests or otherwise revokes its request;
- b) if it is established that the arrested person is not, to all appearances, the person sought; or

c) after 14 days from the imposition of transfer detention, if the arrested person has not been handed over to the International Court within this period.

Art. 29

Transfer to the International Criminal Court or the International Court

1) Once the order for transfer to the International Criminal Court or the International Court has become final, the district judge shall instruct the national police to transfer the person to be transferred to the International Criminal Court or the International Court without delay. Unless there are serious security concerns or the International Criminal Court or the International Court requests a different method of surrender, the person to be surrendered shall be transported by air under the escort of Liechtenstein officials.

2) The time of transfer to the International Criminal Court shall be agreed with the Court. If the transfer of the person to be transferred is prevented by certain circumstances, a new transfer date shall be agreed with the Court.

3) The provincial police must notify the International Court and the Dutch authorities in good time of the date of transfer to the International Court, with reference to the period of detention under Article 28(4).

4) The district court judge shall submit a copy of the order for transfer to the Office of Justice for forwarding to the International Criminal Court or the International Court of Justice and shall also notify the latter of the date of transfer to the International Court.

Art. 30

Provisional surrender to the International Criminal Court and revocation of the transfer order

1) If domestic criminal proceedings are pending against the accused or if he is serving a sentence in the country for an offense other than that for which the transfer to the International Criminal Court was ordered, he may be provisionally transferred to the International Criminal Court under conditions to be agreed with the latter.

2) The district judge shall immediately revoke the transfer detention and revoke the transfer order if:

- a) the International Criminal Court so requests or otherwise revokes its request for transfer;
- b) it is established that the arrested person is not, to all appearances, the person sought, or
- c) the International Criminal Court determines that it has no jurisdiction or that the proceedings before it are inadmissible.

Art. 31

Competing requests from the International Criminal Court and a state

- 1) If the Principality of Liechtenstein receives a transfer request from the International Criminal Court and an extradition request from another state concerning the same person, the member of the government responsible for justice shall decide which request takes precedence in accordance with Art. 90 of the Rome Statute.
- 2) If the member of the Government responsible for justice has given priority to an extradition request from another state over a transfer request from the International Criminal Court, but the extradition request is subsequently rejected or withdrawn, the International Criminal Court shall be notified immediately.

Article 32

Speciality of transfer to the International Criminal Court

- 1) A person who is transferred to the International Criminal Court under this Act may not be prosecuted, detained, or tried for any act committed prior to the transfer other than that for which the transfer was made.
- 2) At the request of the International Criminal Court, it may be exempted from the restrictions contained in paragraph 1. Before deciding on the request, the International Criminal Court may be asked to provide a transcript of the statements made by the transferred person and additional information.
- 3) The member of the Government responsible for justice shall decide on the request. The exemption shall be granted if the act on which the request is based falls within the jurisdiction of the International Criminal Court and there are no grounds for challenging the admissibility of the proceedings before the International Criminal Court under Article 5(2).

Article 33

Transit and transit

- 1) At the request of the International Criminal Court, persons shall be transferred through Liechtenstein and detained to ensure their safe passage.
- 2) A request for authorization of transit is not required if the person is being transported by air and no stopover on Liechtenstein territory is planned.
- 3) In the event of an unforeseen stopover, the person to be transferred shall be arrested and the International Criminal Court shall be requested to submit a request for transit, attaching the documents referred to in Art. 89 para. 3 lit. b of the Rome Statute.
- 4) The person to be transferred shall be released if the request for transit has not been received within 96 hours. Release shall not preclude a new arrest on the basis of a request under Art. 25 para. 1 or Art. 27 para. 1.
- 5) The member of the government responsible for the justice sector shall decide on transit. Transit shall be granted provided that it does not prevent or delay the transfer. A domestic criminal claim for a criminal offense that does not fall within the jurisdiction of the International Criminal Court shall not preclude transit. No appeal shall be permitted against the granting of transit.
- 6) Paragraphs 1 to 3 and 5 shall apply at the request of the International Criminal Court or a State which has assumed responsibility for the enforcement of a sentence imposed by the Court for the transit of persons through the territory of the Principality of Liechtenstein, with the proviso that, in the event of an unforeseen stopover, the International Criminal Court shall submit a request for transit, enclosing a copy of the final judgment. Provided that, in the event of an unforeseen stopover, the International Criminal Court is requested to submit a request for transit, enclosing a copy of the final judgment.
- 7) At the request of the International Court or a state that has assumed responsibility for the enforcement of a sentence imposed by this court, paragraphs 1 and 5, sentences 1 and 4, shall apply mutatis mutandis.

E. Assumption of the enforcement of custodial sentences

Art. 34

General provisions

1) The Principality of Liechtenstein may assume the enforcement of custodial sentences imposed by the International Criminal Court or the International Court if the sentenced person:

- a) is a citizen of Liechtenstein; or
- b) has their habitual residence in Liechtenstein.

2) Prison sentences imposed by the International Criminal Court or the International Court shall be enforced immediately. No adjustment of the sentence imposed shall be permitted. Enforcement shall be governed by the provisions of Liechtenstein law applicable to the enforcement of sentences, in accordance with the orders of the International Criminal Court or the International Court, with the proviso that the conditions of detention must correspond to those of persons convicted in Liechtenstein for comparable offenses.

3) The enforcement of custodial sentences imposed by the International Criminal Court shall be subject to the supervision of the Court. At the request of the International Criminal Court or the International Court of Justice, its members shall be granted access to the penal institutions.

4) If a person convicted by the International Criminal Court who has been transferred for the enforcement of a sentence is eligible under Liechtenstein law for a less restrictive form of imprisonment involving work outside the prison without supervision, the International Criminal Court shall be informed of this circumstance before the work is ordered. Its opinion shall be taken into account in the decision.

5) Persons convicted within the meaning of this section shall be allowed unhindered and confidential written communication with the International Criminal Court and the International Court of Justice.

Art. 35

Procedure for the transfer of the enforcement of sentences

1) If the International Criminal Court or the International Court has determined that a convicted person is to serve the prison sentence imposed on him or her in Liechtenstein and a request is made to take over the enforcement of the sentence, the prison sentence imposed shall be enforced in Liechtenstein upon acceptance of the request by the Office of Justice.

2) The member of the government responsible for the justice sector may refuse to take over the enforcement of a prison sentence exceeding one of those specified in paragraph

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only if it would entail unacceptable disadvantages for the security and public order of the Principality of Liechtenstein. No appeal may be lodged against the decision of the member of the Government responsible for justice.

3) The decision of the member of the Government responsible for justice shall be communicated to the International Criminal Court or the International Court with a request to propose the place and time of the transfer of the convicted person to the Liechtenstein authorities. The Liechtenstein authorities responsible for the transfer of the convicted person shall maintain contact with the organs of the International Criminal Court and the International Court of Justice as well as with the foreign authorities.

4) If the convicted person escapes from custody before the prison sentence has been served, the regional court shall issue an arrest warrant and initiate a search. If the wanted person is subsequently arrested abroad, the court shall, even without a request from the public prosecutor's office, obtain the imposition of extradition detention in accordance with Art. 69 RHG and forward the documents required under Art. 68 RHG to the Office of Justice. The member of the government responsible for the justice portfolio shall effect the extradition unless the requested state agrees to the transfer without extradition proceedings or the International Criminal Court or the International Court of Justice decides otherwise.

5) The time spent in custody in the requested state, at the International Criminal Court, or at the International Court shall be credited toward the prison sentence to be served.

6) If persons who have escaped from the enforcement of a prison sentence imposed by the International Criminal Court or the International Court are arrested in Liechtenstein, the provisions on the transfer of persons to the International Criminal Court or the International Court shall apply to the transfer of these persons to the state that has taken over enforcement.

Art. 36

Speciality of enforcement

1) A person taken into custody for the enforcement of a custodial sentence imposed by the International Criminal Court or the International Court may not be

Liechtenstein shall not, without the consent of the International Criminal Court or the International Court of Justice, prosecute or punish them for an act committed prior to their surrender which is not covered by the judgment of the International Criminal Court or the International Court of Justice, nor shall it restrict their personal liberty or extradite them to a third State.

2) The specialty of enforcement shall not preclude such a measure if:

- a) the person remains in the territory of the Principality of Liechtenstein for more than 30 days after their release from a prison sentence imposed by the International Criminal Court or for more than 45 days after their release from a prison sentence imposed by the International Court, even though they could and were allowed to leave;
- b) the person leaves the territory of the Principality of Liechtenstein in any manner whatsoever and returns voluntarily or is lawfully returned from a third country; or
- c) the International Criminal Court or the International Court waives the principle of specialty.

Art. 37

Reports on the execution of sentences

The prison in which the prisoner is serving the sentence imposed by the International Criminal Court or the International Court shall submit a conduct and health report to the member of the government responsible for justice at least once a year and after the sentence has been served. The member of the government responsible for justice must be notified immediately if the prisoner has escaped from custody before the end of the prison sentence or if the sentence can no longer be enforced for other reasons. Such reports must be brought to the attention of the International Criminal Court or the International Court without delay.

Art. 38

Parole and pardon

- 1) The International Criminal Court shall decide on the conditional release, pardon, or reduction of the sentence of a person convicted by the International Criminal Court, and the President of the International Court shall decide on the conditional release, pardon, or modification of the sentence of a person convicted by the International Court.

2) If the convicted person submits an application for conditional release, pardon, or reduction of sentence, this shall be submitted to the Office of Justice for forwarding to the International Criminal Court. The same applies mutatis mutandis to the forwarding of applications for conditional release, pardon, or commutation of sentence to the International Court, with the proviso that the Office of Justice must attach a notification of the time requirements under § 46 of the Criminal Code.

3) Circumstances that argue in favor of conditional release, pardon, reduction of sentence, or modification of sentence shall be communicated ex officio to the International Criminal Court or the International Court.

Art. 39

Transfer of the execution of a sentence to another State

1) The enforcement of sentences may be transferred to a third State with the consent of the International Court at the request of that State.

2) A request by the International Criminal Court or the International Court for the transfer of a prisoner to another State for the continuation of the enforcement of the sentence shall be complied with immediately.

3) If a prisoner requests the enforcement of a prison sentence imposed on him by the International Criminal Court or the International Court in another state, his request shall be forwarded to the International Criminal Court or the International Court.

Art. 40

Termination of the enforcement of sentences

1) If the International Criminal Court or the International Court of Justice notifies that the enforcement of the custodial sentence is to be terminated, the prisoner shall be released immediately or handed over to the authority responsible for the enforcement of immigration regulations, unless domestic criminal proceedings or extradition proceedings are pending or there are grounds for initiating such proceedings.

2) Prosecution, punishment, or extradition for an act committed prior to the transfer of the sentence shall only be permitted in accordance with Art. 36.

Article 41

Costs of the execution of sentences

1) The ordinary costs of the enforcement of sentences shall be borne by the Principality of Liechtenstein.

2) Other costs, including the costs of transferring the convicted person from or to the court or from or to another executing state, as well as the costs of an expert opinion requested by the International Criminal Court, shall be borne by the latter.

Art. 42

Enforcement of custodial sentences for crimes against the administration of justice

This Act shall not apply to the enforcement of custodial sentences imposed by the International Criminal Court for offences against the administration of justice under Art. 70 of the Rome Statute, with the exception of the provisions of Art. 34 para. 1 and 5, Art. 35 para. 1 to 5, and Art. 41. The procedure shall be governed by Articles 65 to 67 RHG.

F. Assumption of the enforcement of fines, property orders, restitution orders, and restitution decisions Art. 43

Enforcement of fines and property orders imposed by the International Criminal Court and the International Court of Justice

1) A request from the International Criminal Court or the International Court for the enforcement of a decision imposing a financial penalty or a property order shall be complied with if the financial penalty is expected to be collected domestically or if the items or assets covered by the decision are located domestically. Before enforcement is granted, the person sentenced to pay the fine and persons claiming rights to the objects or assets must be heard. The hearing of the convicted person may be waived if he or she cannot be reached.

2) The regional court shall decide on the request for enforcement of a fine or a property order by means of a ruling. An adjustment of the fine or property order imposed by the International Criminal Court or the International Court is not permissible. The public prosecutor's office and the person concerned may appeal against the ruling to the higher court within 14 days.

- 3) A fine imposed by the International Criminal Court or the International Court shall be enforced in Swiss francs. If the amount of the fine to be enforced is specified in a currency other than Swiss francs, the official exchange rate applicable at the time of the decision of the International Criminal Court or the International Court shall be used for the conversion.
- 4) Any relief granted by the International Criminal Court or the International Court with regard to the payment date of fines imposed or their payment in installments shall be taken into account.
- 5) If the enforcement of a fine imposed by the International Criminal Court or the International Court proves impossible in whole or in part, the International Criminal Court or the International Court shall be notified of this circumstance.
- 6) If the International Criminal Court or the International Court imposes a substitute custodial sentence on the convicted person due to the unenforceability of the fine imposed and requests the Principality of Liechtenstein to enforce it, the provisions of Articles 34 to 41 shall apply.
- 7) If it proves impossible to enforce a financial order issued by the International Criminal Court or the International Court, the district court shall impose a penalty in lieu of compensation and take measures to recover the equivalent value of the objects or assets.
- 8) The proceeds from the enforcement of fines and property orders shall, subject to the provisions of paragraph 9, be transferred to the International Criminal Court or the International Court.
- 9) Monetary amounts, objects, or other assets may be retained in the Principality of Liechtenstein if:
- a) the injured party has their domicile or habitual residence in Liechtenstein and they are to be handed over to them;
 - b) an authority asserts rights to them;
 - c) a person not involved in the criminal offense asserts rights to them; or
 - d) they are required for criminal proceedings pending in Liechtenstein.

10) If a person asserts claims under paragraph 9, the surrender of the sums of money or objects may only be considered in agreement with the International Criminal Court or the International Court of Justice.

11) The provisions of this section shall also apply to the enforcement of fines imposed by the International Criminal Court for crimes against the administration of justice under Article 70 of the Rome Statute.

Art. 44

Assumption of the enforcement of restitution orders and return decisions

1) The enforcement of a decision of the International Criminal Court by which a restitution order requiring the payment of a sum of money has been finally pronounced is permissible at the request of the International Criminal Court if the sum is expected to be collected domestically.

2) Enforcement shall be governed by Art. 43.

3) Final decisions of the International Criminal Court or the International Court of Justice on the restitution of property or proceeds from criminal acts shall be deemed to be findings of foreign courts that fulfill the conditions of Article 52 of the Enforcement Code.

G. Effect of decisions of the International Criminal Court or the International Court

Art. 45

A final judgment of the International Criminal Court or the International Court of Justice shall constitute full proof in proceedings before the Liechtenstein courts for compensation for the victim against the convicted person of what is established therein on the basis of evidence proceedings. Proof of the inaccuracy of the findings is admissible.

H. Assumption of criminal prosecution for offenses against the administration of justice

Art. 46

1) At the request of the International Criminal Court, the prosecution of crimes against the administration of justice referred to in Article 70(1) of the Rome Statute that were committed on Liechtenstein territory or by Liechtenstein nationals may be taken over.

2) When assessing these crimes, the International Criminal Court shall be treated as if it were a Liechtenstein court and its officials as if they were Liechtenstein civil servants.

3) Article 60 RHG shall apply with the proviso that references in this provision to the requesting State shall be understood as references to the International Criminal Court.

I. Trust fund

Art. 47

- 1) A trust fund shall be established and administered by the Government.
- 2) The following shall be transferred to the trust fund:
 - a) Proceeds from the enforcement of fines and property orders imposed by the International Criminal Court or the International Court, provided that the International Criminal Court or the International Court waives surrender and no claims are asserted under Art. 43 para. 9;
 - b) Proceeds from the enforcement of fines and property orders imposed by a domestic court, provided that these were imposed on the basis of a domestic conviction for genocide, crimes against humanity, war crimes, or crimes of aggression;
 - c) voluntary donations.
- 3) Assets from the trust fund may be used at the discretion of the government:
 - a) for the benefit of victims of genocide, crimes against humanity, war crimes, or crimes of aggression and for the benefit of their relatives;
 - b) to cover the costs of proceedings brought by the judiciary in relation to any of the crimes referred to in subparagraph (a); or
 - c) as a voluntary contribution to the trust fund of the International Criminal Court.

III. Final provisions Art. 48

Implementing regulations

The government shall issue the regulations necessary for the implementation of this Act.

Art. 49

Entry into force

This Act shall enter into force on the day of its promulgation.

XI. ZIGV

Ordinance

of November 28, 2017

**on Cooperation with the International Criminal Court and Other International Courts
(ZIGV)**

Pursuant to Art. 1 para. 1a and Art. 48 of the Act of October 20, 2004, on Cooperation with the International Criminal Court and Other International Courts (ZIGG), LGBI. 2004 No. 268, and in implementation of Resolutions 1966 (2010) of December 22, 2010, and 71/248 of December 21, 2016, of the Security Council and the General Assembly of the United Nations, respectively, the Government decrees:

Art. 1

International courts

The following are also considered international courts within the meaning of Art. 1 para. 1 lit. b of the Act:

- a) the International Residual Mechanism for Criminal Tribunals established by Resolution 1966 (2010) of the United Nations Security Council of December 22, 2010;
- b) the international, impartial, and independent mechanism established by Resolution 71/248 of the United Nations General Assembly on December 21, 2016, to support investigations into those responsible for the most serious crimes under international law committed in the Syrian Arab Republic since March 2011 and their prosecution.

Art. 2 Repeal of

previous law

The Ordinance of September 4, 2012, on Cooperation with the International Criminal Court and Other International Courts (ZIGV), LGBI. 2012 No. 279, is repealed.

Art. 3

**Entry into
force**

This ordinance shall enter into force on the day after its publication.

