

Notice sheet

on the

Convention on the Transfer of Sentenced Persons

On May 1, 1998, the Convention on the Transfer of Sentenced Persons, Official Gazette 1998 No. 23, entered into effect for the Principality of Liechtenstein. This Convention allows Liechtenstein nationals sentenced to a sanction involving deprivation of liberty (i.e. to a punishment or measure) abroad to be transferred to the Principality of Liechtenstein to serve this sentence, provided that the foreign country has also ratified or acceded to the Convention, and provided certain conditions are satisfied.

The following contains a short description of this Convention. If you require more detailed information about the specific possibilities of transfer to the Principality of Liechtenstein, or would like the complete wording of the Convention, please contact the head of the penal establishment in which you are serving your sentence or the Government of the Principality of Liechtenstein (Ministry of Justice, Government Building, FL-9490 Vaduz). You can, however, also address inquiries to the diplomatic representatives of the Principality of Liechtenstein.

1. Conditions for transfer

The following conditions must be satisfied if you are to be transferred to the Principality of Liechtenstein:

- you are a Liechtenstein national;
- the sentence imposed on you abroad is final and enforceable,
- at least six months of the sentence must as a rule still be served abroad at the time of receipt of the official request for transfer, although this period may be shorter in exceptions;
- you (or your legal representative) consent to the transfer;
- the offence for which you have been sentenced abroad is also a criminal offence according to Liechtenstein law;
- the sentencing country and the competent Liechtenstein authorities have consented to the transfer.

2. The sentence to be served after transfer

If you are transferred to the Principality of Liechtenstein, the foreign sentence is enforced according to Liechtenstein law (applying the principle of continued enforcement). Accordingly, the competent Liechtenstein authority will continue to enforce the foreign judgement.

This means that the sentence to be served after transfer to the Principality of Liechtenstein must not be greater than the sentence that would remain to be served in the sentencing country after deduction of all remission granted before the transfer.

If the sentence imposed in the sentencing country is greater than that provided by Liechtenstein law for the same offence or if the two sentences are of a different nature, the competent Liechtenstein court will adjust the foreign sentence to the sentence that comes closest to that which would apply according to Liechtenstein law for a similar offence. The sentence adjusted in the Principality of Liechtenstein, however, shall not be higher or more onerous than that in the sentencing country, nor may it exceed the maximum provided for by Liechtenstein law.

3. Effects of the transfer

After transfer the following should be noted:

- The Liechtenstein authorities can also keep you in custody, prosecute you or sentence you for punishable acts that are not the subject matter of the sentence for which you have been transferred.
- You may benefit from measures adopted to your advantage by both the Liechtenstein authorities and the sentencing country (pardon, amnesty, etc.)
- The pre-trial custody may be offset against your penalty if the conditions provided for such under Liechtenstein law are satisfied.
- The competent Liechtenstein court can order your conditional release after you have served one-half or two-thirds of your sentence if your conduct during the serving of the sentence is not in conflict with such and permits a favourable forecast for your future conduct after release. If the sentence is life imprisonment, conditional release may be granted after you have served 15 years of your sentence.
In the event of a measure, you may also be conditionally released after a certain period of time that may be longer or shorter depending on the circumstances.
- If new facts arise that in your opinion justify resuming the foreign criminal proceedings, the authority of the sentencing country will decide on any request for the re-opening of the case.
- Your final release will be ordered by the competent court as soon as it is informed that the sentencing country has terminated the execution of the sentence imposed in such country by means of a ruling.
If you are finally released on the basis of a ruling of the Liechtenstein authorities and if after your release you return to the sentencing country, you will not be obliged to serve the sentence imposed or the remainder thereof once again.

4. Information about the procedure

You can lodge your request for transfer in accordance with the modalities provided both:

- with a diplomatic representation of the Principality of Liechtenstein, or
- with the authorities designated by the sentencing country.

If the sentencing country does not oppose your transfer, it will communicate to the Liechtenstein authorities the details about your person and the circumstances that led to your being sentenced, and about the manner and type of the sentence imposed. If the Liechtenstein authorities agree to your transfer, they will supply you with information as to the nature and duration of the sentence that remains to be served in the Principality of Liechtenstein, as well as details about the execution of the sentence.

Once the two countries have issued their consent to the transfer and you have received and examined the documents supplied by the Liechtenstein authorities, you will be requested to issue your written consent to the transfer.

You have no right to a transfer to the Principality of Liechtenstein, and for this reason you cannot lodge an appeal against a negative decision on the transfer.

IMPORTANT: If you are transferred to Liechtenstein by virtue of this Convention, you have no right to serve the entirety of the punishment imposed in the Liechtenstein Remand Prison. This follows from the fact that Liechtenstein has only one remand prison, which is unsuitable for the serving of long sentences. If you still have to serve a (remaining) sentence of more than two years' imprisonment, it is highly probable that you will have to serve the sentence or parts thereof in an Austrian prison (cf. the Treaty dated June 4, 1982 between the Principality of Liechtenstein and the Republic of Austria concerning the Commitment of Prisoners, Official Gazette 1983 No. 39).