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EVALUATION OF ANTI-MONEY  
LAUNDERING MEASURES AND THE  
FINANCING OF TERRORISM  
(MONEYVAL)

MONEYVAL(2014)2 ANN

# Report on Fourth Assessment Visit - Annexes

Anti-Money Laundering and Combating the  
Financing of Terrorism

## Principality of Liechtenstein

2 April 2014

The Principality of Liechtenstein is a member of MONEYVAL. This is the fourth report in MONEYVAL's fourth round assessment visits, following up on the recommendations made in the third round. This evaluation was conducted by the International Monetary Fund (IMF). A representative of MONEYVAL participated as an evaluator in the assessment and also examined compliance with the European Union anti-money laundering Directives where these differ from the FATF Recommendations, therefore falling within the remit of MONEYVAL examinations. The report on the 4<sup>th</sup> Assessment Visit was adopted by MONEYVAL at its 44<sup>th</sup> Plenary (Strasbourg, 31<sup>st</sup> March - 4 April 2014).

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## Act on Professional Trustees

### II. Rights and duties

#### Art. 7

#### Activities

1) The license granted pursuant to Art. 1b (2) shall entitle the holder to perform the following activities on a professional basis:

a) formation of legal entities, companies, and trusteeships for third parties, in the license holder's own name and for the account of third parties, and related interventions with authorities and administrative offices;

b) assuming board mandates in accordance with Art. 180a of the *Personen- und Gesellschaftsrecht* (Persons and Companies Act) and assuming trusteeships;

c) repealed

d) financial and business counseling;

e) tax counseling;

f) accounting and auditing, as far as this is not reserved for auditors and auditing companies.

2) The license granted pursuant to Art. 1b (3) shall entitle the holder to perform the following activities on a professional basis:

a) formation of legal entities, companies, and trusteeships for third parties, in license holder's own name and for the account of third parties, and related interventions with authorities and administrative offices;

b) assuming board mandates pursuant to Art. 180a of the *Personen- und Gesellschaftsrecht* (Persons and Companies Act) and assuming trusteeships;

3) An activity is pursued as a business if it is carried out independently, regularly, and for valuable consideration, or if the intention to make a profit has to be concluded from the frequency of the activity or from other reasons.

4) The legal powers of banks, auditors and audit firms and the operation of an accounting office on the basis of a commercial licence shall not be affected by the above provisions.

**Liechtenstein Law Gazette**

**Year 2008**

**No. 144**

**published on 18 June 2008**

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**Law**

of 24 April 2008

**on the Service of State Employees  
(State Employees Act)**

I hereby grant My consent to the following resolution adopted by  
Parliament:

**III. Rights and duties arising from service**



## **B. Duties**

### Art. 38

#### *Confidentiality*

1) The employees shall be required to maintain confidentiality concerning matters relating to their service, where such matters are to be kept secret by their nature or according to special provisions. This requirement shall be maintained even after termination of service.

2) Official transactions within the Administration as well as the provision of information to supervisors and controlling bodies shall be exempt from the confidentiality requirement, subject to other legal provisions.

3) As parties, witnesses, and court experts, employees may comment on official matters subject to the confidentiality requirement only if they have been authorized to do so by the director of the office. The Government shall provide further details by ordinance.

### Article 40

#### *Secondary activity*

1) The carrying on of a secondary activity is only permissible if this does not impair the official performance of duties and is compatible with the official position.

2) Employees shall notify the head of the official body prior to taking up a secondary activity.

3) The Government may make the carrying on of a particular secondary activity contingent upon its approval.

4) The Government shall specify further details by ordinance.

### Article 41

#### *Public office*

1) Employees who want to apply for a public office shall give notification of this to the head of the official body and to the competent member of the Government, who shall inform the Government of this.

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2) The Government may prohibit the carrying on of a public office if this impairs the official performance of duties or is incompatible with the official position.

Representing the Reigning Prince:  
signed *Alois*  
Hereditary Prince

signed *Otmar Hasler*  
Prime Minister

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<sup>1</sup> Article 65, paragraph 2 amended by LGBl. 2009 No. 270.

# Liechtenstein Law Gazette

Year 2009

No. 218

published 7 August 2009

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## Agreement

### **between the Government of the Principality of Liechtenstein and the Swiss Federal Council on Police Cooperation in the Border Area**

Concluded in Bern on 3 December 2008  
Provisionally applied since 12 December 2008<sup>1</sup>

The Government of the Principality of Liechtenstein  
and  
the Swiss Federal Council,  
implementing articles 2 and 16 of the Framework Treaty of 3 December 2008  
between the Principality of Liechtenstein (hereinafter "Liechtenstein") and  
the Swiss Confederation (hereinafter "Switzerland") concerning cooperation  
in the field of visa procedures, entry and stay as well as police cooperation in  
the border area,  
have agreed the following:

#### Article 1

##### *Object and purpose*

This Agreement governs cooperation between the Swiss Federal Customs  
Administration (FCA), the Liechtenstein National Police, and the  
Liechtenstein Immigration and Passport Office (IPO). In particular, it further  
specifies the police mandate of the FCA in the territory of Liechtenstein and  
the police powers delegated to the FCA.

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<sup>1</sup> Entry into force will be promulgated at a later time.

## Article 2

### *Exercise of police powers*

- 1) The handover of persons and goods to the Liechtenstein National Police shall take place at a border post of the FCA in Liechtenstein.
- 2) The FCA shall use its own forms to report police offenses to the Liechtenstein authorities. The FCA shall ensure that these forms contain the information required by Liechtenstein.
- 3) The FCA shall deploy only its own personnel in Liechtenstein territory. Exceptions shall be subject to consent by Liechtenstein.
- 4) The FCA shall exercise the police powers delegated to it at the border in such a way that interference with traffic is kept to a minimum. When carrying out controls, the FCA shall strive to ensure fluid management of traffic (rolling traffic) by directing vehicles subject to inspection out of the lane in principle.
- 5) Applying article 14, paragraph 1, last sentence of the Framework Treaty, the Chief of the National Police or the Head of the IPO shall agree with the competent commander of the FCA on the delegation of the required competences and measures as well as the organization of the procedures applicable to the areas enumerated in the Annex.

## Article 3

### *Joint inspections*

In the case of operations in the context of joint inspections, the members of the FCA may carry out the same security police tasks as the members of the National Police. They shall have the same powers in this regard under Liechtenstein law to the extent necessary to perform the task.

## Article 4

### *Coordination of operations*

- 1) The command of the National Police and the competent command of the FCA shall coordinate their establishment of priorities in the context of operations planning.
- 2) The vehicles of the FCA and of the National Police shall be made mutually visible in the operations centres. Where this is not possible, information on the locations of the operations resources shall be mutually

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provided, to the extent necessary, by radio, telephone or other appropriate means.

#### Article 5

##### *Exchange of information*

1) The National Police and the FCA shall exchange situation analyses and findings relevant to performance of the shared duties relating to internal security.

2) For the purpose of identifying persons, the National Police shall on request provide the FCA with information from the Central Register of Persons.

3) Data collections within the meaning of article 17, paragraph 3 of the Framework Treaty, to which the FCA is granted access upon application, shall in particular include the Liechtenstein search database, the register of foreigners, and the motor vehicles register.

4) The National Police and the FCA shall, where expedient, use the Polycom radio network for communication between their operations teams.

#### Article 6

##### *Support in averting threats*

1) In urgent cases, the National Police and the FCA shall support each other in performing their duties and shall take the necessary measures to avert threats.

2) In the case of an emergency search, the FCA shall deploy the available resources at the border crossings at the Liechtenstein-Austrian border in accordance with tactical considerations.

#### Article 7

##### *Training*

Where useful and as needed, training measures shall be carried out jointly.

Article 8

*Temporary reintroduction of border controls*

1) If border controls are temporarily reintroduced, the same requirements shall apply when crossing the Liechtenstein-Austrian border as for border traffic between Switzerland and its neighbouring countries.

2) In consultation with the Liechtenstein authorities, Switzerland shall designate the permissible border crossings.

3) Swiss citizens shall be entitled to cross the Liechtenstein-Austrian border if they provide proof of citizenship. The same shall apply to border crossings by Liechtenstein citizens across the border between Switzerland and third countries.

Article 9

*Liability*

1) The party causing damages shall be liable therefor.

2) For damages caused by members of the police or the FCA when cooperating pursuant to the request of the other party, the requesting party shall be liable unless there is gross negligence.

Article 10

*Duration of validity and entry into force*

1) This Agreement is concluded for an indefinite duration.

2) Either contracting party may cancel the Agreement subject to a notice period of 12 months effective the end of any calendar year.

3) This Agreement shall enter into force at the same time as the Framework Treaty.

In witness whereof, the undersigned, duly authorized thereto, have signed this Agreement.

Done at Bern on 3 December 2008, in duplicate, in the German language.

For the  
Government of the Principality  
of Liechtenstein:

signed *Otmar Hasler*

For the  
Swiss Federal Council:

signed *Eveline Widmer-Schlumpf*



## **Annex**

(Article 2, paragraph 1)

**At the internal border between Liechtenstein and Austria, the following areas shall be governed according to article 2, paragraph 1:**

### **Searches for persons, objects and vehicles**

#### **Ripol alerts**

1. Address investigations: Failure to register
2. Address investigations: Service of decree
3. Address investigations: Fine and cost collection
4. Warrant: Fine conversion / Fine and cost collection

#### **Immigration legislation**

1. Prohibition of entry / Deportation
2. Entry across border by foreigners without valid visa / document authorizing border crossing
3. Unlawful stay
4. Cross-border commuters: Unauthorized employment without cross-border commuter permit
5. Service provider from EU/EFTA: Self-employed person
6. Employee posted from EU/EFTA States
7. Re-entry with identity document for foreign nationals N, F or S
8. Return / readmission of persons
9. Expulsion without formal decision
10. Issue of a laissez-passer in event of emergencies at the border or in the border area

#### **Road traffic law on customs office premises**

1. Selected Road Traffic Act violations in accordance with Administrative Fines Act
2. Complaints reports
3. Radar detectors

#### **Collection of fines and monetary penalties**

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**Cash controls**

**In the border area, the following areas shall be governed according to article 2, paragraph 1:**

**Searches for persons, objects and vehicles**

**Ripol alerts**

1. Address investigations: Failure to register
2. Address investigations: Service of decree
3. Address investigations: Fine and cost collection
4. Warrant: Fine conversion / Fine and cost collection

**Immigration legislation**

1. Prohibition of entry / Deportation
2. Entry across border by foreigners without valid visa / document authorizing border crossing
3. Unlawful stay
4. Cross-border commuters: Unauthorized employment without cross-border commuter permit
5. Service provider from EU/EFTA: Self-employed person
6. Employee posted from EU/EFTA States
7. Re-entry with identity document for foreign nationals N, F or S
8. Return / readmission of persons
9. Expulsion without formal decision
10. Issue of a laissez-passer in event of emergencies at the border or in the border area

**Collection of fines**

**Cash controls**

## Ordinance

of 4 October 2011

### on Measures against Individuals and Entities associated with Al-Qaida

Pursuant to article 2 of the Law of 10 December 2008 on the Enforcement of International Sanctions (International Sanctions Act, ISA), Liechtenstein Law Gazette LGBl. 2009 No. 41<sup>1</sup>, incorporating the Swiss legal provisions applicable pursuant to the Customs Treaty, and executing Resolutions 1267 (1999) of 15 October 1999, 1333 (2000) of 19 December 2000, 1390 (2002) of 16 January 2002, 1452 (2002) of 20 December 2002, 1735 (2006) of 22 December 2006, 1822 (2008) of 30 June 2008, 1904 (2009) of 17 December 2009, 1989 (2011) of 17 June 2011, and 2083 (2012) of 17 December 2012 of the Security Council of the United Nations, the Government enacts the following Ordinance:<sup>2</sup>

#### I. Compulsory measures

##### Article 1

###### *Ban on the supply of arms and related material*

1) The supply, sale, and brokerage of arms of any kind, including weapons and ammunition, military vehicles and equipment, paramilitary equipment as well as supplies and replacement parts, to the natural and legal persons, groups, and entities referred to in the Annex shall be prohibited.

2) Granting, selling, and brokering technical advice, assistance, or training in connection with military activities to the natural and legal persons, groups, and entities referred to in the Annex shall be prohibited.

3) These prohibitions shall be subject to the provisions of Swiss war material, goods control, and embargo legislation applicable in Liechtenstein.

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<sup>1</sup> LR 946.21

<sup>2</sup> Preamble amended by LGBl. 2013 No. 33.

## Article 2

### *Freezing of funds and other financial resources*

1) Funds and economic resources in the possession or under the direct or indirect control of the natural and legal persons, groups, and entities referred to in the Annex are hereby frozen.

2) It is prohibited to transfer funds to the natural and legal persons, groups, and entities referred to in the Annex or to make funds and economic resources available to them in other ways, directly or indirectly.

3) After notifying the competent committee of the Security Council of the United Nations and in accordance with the resolutions of that committee or in order to safeguard Liechtenstein interests, the Government may approve payments from frozen accounts, transfers of frozen assets, and the release of frozen economic resources on an exceptional basis. Requests to this effect must be submitted to the Financial Intelligence Unit.

## Article 3

### *Terminology*

In this Ordinance, the following terms have the following meanings:

- a) funds: financial assets, including cash, cheques, claims on money, drafts, money orders and other payment instruments, deposits, debts and debt obligations, securities and debt instruments, certificates representing securities, bonds, notes, warrants, debentures, derivatives contracts; interest, dividends or other income on or value accruing from or generated by assets; credit, right of set-off, guarantees, performance bonds or other financial commitments; letters of credit, bills of lading, bills of sale, documents evidencing an interest in funds or financial resources, and any other instrument of export-financing;
- b) freezing of funds: preventing any action which makes possible the management or use of the funds, with the exception of the normal administrative actions of banks and investment firms;
- c) economic resources: any type of financial assets, regardless of tangible or intangible, movable or immovable forms, especially real estate and luxury goods, with the exception of funds referred to in (a);
- d) freezing of economic resources: preventing their use for the purchase of funds, goods, or services, including selling, letting, or pledging or mortgaging such resources.

## Article 4

### *Entry and transit*

1) Entry to Liechtenstein or transit through Liechtenstein by the individuals enumerated in the Annex is prohibited.

2) The Government may grant exceptions in accordance with the resolutions of the Security Council of the United Nations. Requests to that effect must be submitted to the Immigration and Passport Office.

## **II. Execution and penal provisions**

### Article 5

#### *Control and execution*

1) The Financial Intelligence Unit shall monitor execution of the compulsory measures set out in articles 1 and 2. It shall in particular review requests for exemptions and shall forward them – where necessary after consulting other offices concerned – to the Government with a recommendation.

2) The Immigration and Passport shall monitor execution of the prohibition of entry and transit set out in article 4. It shall in particular review requests for exemptions and shall forward them – where necessary after consulting other offices concerned – to the Government with a recommendation.

3) The competent Liechtenstein authorities shall take the measures necessary to freeze economic resources, such as mention of the blocking order in the Land Register or the attachment or sealing of luxury goods.

4) These provisions shall be subject to the competence of the Swiss authorities.

### Article 6

#### *Reporting requirements*

1) Persons and institutions holding or managing money or knowing of economic resources of which it must be assumed that they must be frozen pursuant to article 2, paragraph 1, must report this to the FIU without delay.

2) The reports must include the names of the beneficiaries as well as the object and value of the frozen funds and economic resources.

### Article 7

#### *Penal provisions*

1) Anyone violating article 1, 2, or 4 shall be punished in accordance with article 10 of the International Sanctions Act, unless penal provisions of the Swiss war material, goods control, and embargo legislation are applicable in Liechtenstein.

2) Anyone violating article 5 shall be punished in accordance with article 11 of the International Sanctions Act.

### **III. Final provisions**

#### Article 8

##### *Repeal of law hitherto in force*

1) The Ordinance of 10 October 2000 on Measures against Individuals and Entities associated with Usama bin Laden, Al-Qaida, or the Taliban, LGBI. 2000 No. 186, as amended, is hereby repealed.

2) The repeal shall be without prejudice to the punishability of violations committed during the validity of the ordinance referred to in paragraph 1.

#### Article 9

##### *Entry into force*

This Ordinance shall enter into force on the day of its promulgation.

Government:

signed *Dr. Klaus Tschütscher*

Prime Minister

## **Natural and legal persons, groups, and entities against which the measures set out in articles 1, 2 and 4 are directed**

### **Explanations**

The list of names consists of the following 2 sections:

- A. List of individuals associated with Al-Qaida
- B. List of entities associated with Al-Qaida

Every enumerated individual and every entity is assigned a fixed reference number. The reference number consists of three letters and two numbers. The first letter "Q" stands for Al-Qaida. The second letter "I" or "E" indicates whether it is an individual (I) or an entity (E). The third letter of the reference number corresponds to the initial letter of the family name of an individual or the initial letter of the name of an entity. The list is ordered alphabetically. The first number of the reference number indicates the order of the entry in the list of the competent committee of the Security Council of the United Nations. The second number indicates the year of the inclusion.

The spelling of certain names in their original language can be found at the following Internet address:

[http://www.un.org/sc/committees/1267/aq\\_sanctions\\_list.shtml](http://www.un.org/sc/committees/1267/aq_sanctions_list.shtml)

Where available, additional information from the summary of reasons for inclusion in the list can be found at the following Internet address:

<http://www.un.org/sc/committees/1267/narrative.shtml>

The names of individuals and entities deleted from the list can be found at the following Internet address:

<http://www.un.org/sc/committees/1267/pressreleases.shtml>

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<sup>1</sup> Annex amended by LGBI. 2011 No. 468, LGBI. 2011 No. 479, LGBI. 2011 No. 526, LGBI. 2011 No. 591, LGBI. 2012 No. 11, LGBI. 2012 No. 34, LGBI. 2012 No. 53, LGBI. 2012 No. 65, LGBI. 2012 No. 74, LGBI. 2012 No. 79, LGBI. 2012 No. 108, LGBI. 2012 No. 113, LGBI. 2012 No. 133, LGBI. 2012 No. 146, LGBI. 2012 No. 156, LGBI. 2012 No. 158, LGBI. 2012 No. 190, LGBI. 2012 No. 223, LGBI. 2012 No. 229, LGBI. 2012 No. 246, LGBI. 2012 No. 281, LGBI. 2012 No. 285, LGBI. 2012 No. 293, LGBI. 2012 No. 299, LGBI. 2012 No. 318, LGBI. 2012 No. 323, LGBI. 2012 No. 372, LGBI. 2012 No. 389, LGBI. 2012 No. 396, and LGBI. 2013 No. 33. 19



## **Abbreviations**

### **Individuals**

#### **Name**

*Name 1, Name 2, Name 3, Name 4*: The names of individuals are listed in the Annex in the order in which they appear in a passport. For every individual, four name fields are available, in order to take account of the identification rules for Arabic names. If four names are provided, the following rule applies: Name 1 corresponds to the given name, Name 2 to the name of the father, Name 3 to the name of the grandfather, and Name 4 to the family name. Often, an individual will have fewer than four names. Wherever possible, the family name is listed in bold, irrespective of the field where it appears. An individual may have fewer than four names for several reasons: a) lack of information on the complete name of the individual, b) the identification rules applicable in the individual's country of origin may not include the four name components usual for Arabic names. It should be noted that the transliteration of Arabic and other names into the Latin alphabet may have several variants. It is therefore expressly recommended that the names be supplemented by the other identification features included in the Annex.

#### **Title**

Honorary, professional, or religious title.

#### **Designation**

Official function.

#### **DOB ("Date of birth")**

Date of birth, including any alternatives.

#### **POB ("Place of birth")**

Town of birth, including any alternatives.

#### **Good quality a.k.a. (a.k.a. = "also known as")**

Alias (also known as), pseudonym sufficient to identify the individual without a doubt.

#### **Low quality a.k.a. (a.k.a. = "also known as")**

Alias (also known as), pseudonym probably not sufficient to identify the individual without a doubt.

#### **Nationality**

Citizenship/nationality.

#### **Passport no.**

Passport number(s).

#### **National identification no.**

National identification number (e.g. number of identity card, number of social insurance card, etc.)

**Address**

Address where the individual permanently or temporarily resides/lives (legally or illegally).

**Listed on**

The date the name was included in the UN list (including changes).

**Other information**

Information included additionally to the headings above.

**na**

Information that is not available.

**Entities**

**Name**

Name of entity.

**A.k.a. ("Also known as")**

Pseudonym or alias (also known as).

**F.k.a. ("Formerly known as")**

Former name.

**Address**

Address where the entity is domiciled or has branches.

**Listed on**

The date the name was included in the UN list.

**Other information**

Information included additionally to the headings above.

**na ("not available")**

Information that is not available.

## A. List of individuals associated with Al-Qaida

1. QI.A.163.04.  
**Name:** 1: MOUSTAFA 2: ABBES 3: na 4: na  
**Title:** na **Designation:** na **DOB:** 5 Feb. 1962 **POB:** Osniers, Algeria **Good quality a.k.a.:** a) Mostafa Abbes b) Mostafa Abbas born in France on 5 Feb. 1962 c) Mustafa Abbas d) Moustapha Abbes **Low quality a.k.a.:** na **Nationality:** Algerian **Passport no.:** na **National identification no.:** na **Address:** Algeria **Listed on:** 17 Mar. 2004 (amended on 26 Nov. 2004, 21 Dec. 2007, 2 Dec. 2008, 25 Jan. 2010, 16 May 2011) **Other information:** Brother of Youcef Abbes (QI.A.166.04). Review pursuant to Security Council resolution 1822 (2008) was concluded on 28 Sep. 2009.
2. QI.A.166.04.  
**Name:** 1: YUCEF 2: ABBES 3: na 4: na  
**Title:** na **Designation:** na **DOB:** 5 Jan. 1965 **POB:** Bab el Oued, Algiers, Algeria **Good quality a.k.a.:** na **Low quality a.k.a.:** Giuseppe **Nationality:** Algerian **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 17 Mar. 2004 (amended on 26 Nov. 2004, 12 Apr. 2006, 7 Apr. 2008, 25 Jan. 2010, 16 May 2011, 25 May 2012) **Other information:** Italian authorities issued bench warrant for him on 2 Jul. 2008. Considered a fugitive from justice by the Italian authorities as of 5 Jul. 2008. Father's name is Mokhtar. Mother's name is Abbou Aicha. Brother of Moustafa Abbes (QI.A.163.04). Review pursuant to Security Council resolution 1822 (2008) was concluded on 22 Jul. 2010.
3. QI.A.12.01.  
**Name:** 1: NASHWAN 2: ABD AL-RAZZAQ 3: ABD AL-BAQI 4: na  
**Title:** na **Designation:** na **DOB:** 1961 **POB:** Mosul, Iraq **Good quality a.k.a.:** a) Abdal Al-Hadi Al-Iraqi b) Abd Al-Hadi AlIraqi **Low quality a.k.a.:** Abu Abdallah **Nationality:** Iraqi **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 6 Oct. 2001 (amended on 14 May 2007 and 27 Jul. 2007) **Other information:** Al-Qaida senior official. In custody of the United States of America, as of July 2007.
4. QI.A.157.04.

**Name:** 1: ABD AL WAHAB 2: ABD AL HAFIZ 3: na 4: na  
**Title:** na **Designation:** na **DOB:** 7 Sep. 1967 **POB:** Algiers, Algeria **Good quality a.k.a.:** a) Ferdjani Mouloud b) Rabah Di Roma c) Abdel Wahab Abdelhafid, born 30 Oct. 1968 in Algeria **Low quality a.k.a.:** a) Mourad b) Said **Nationality:** na **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 17 Mar. 2004 (amended on 26 Nov. 2004, 9 Sep. 2005, 21 Dec. 2007, 25 Jan. 2010, 16 May 2011) **Other information:** Sentenced in absentia in Italy to 5 years of Arrest warrant issued by the Italian authorities. Considered a fugitive from justice by the Italian authorities as of Jun. 2009. Review pursuant to Security Council resolution 1822 (2008) was concluded on 30 Jul. 2009.

5. QI.A.255.08.

**Name:** 1: ADIL 2: MUHAMMAD 3: MAHMUD 4: ABD ALKHALIQ

**Title:** na **Designation:** na **DOB:** 2 Mar. 1984 **POB:** Bahrain **Good quality a.k.a.:** a) Adel Mohamed Mahmoud Abdul Khaliq b) Adel Mohamed Mahmood Abdul Khaled **Low quality a.k.a.:** na **Nationality:** na **Passport no.:** Bahraini passport number 1632207 **National identification no.:** na **Address:** na **Listed on:** 10 Oct. 2008 **Other information:** Has acted on behalf of and provided financial, material and logistical support to AlQaida (listed under permanent reference number QE.A.4.02) and the Libyan Islamic Fighting Group (LIFG, listed under permanent reference number QEL.11.01.), including provision of electrical parts used in explosives, computers, GPS devices and military equipment. Trained by Al-Qaida in small arms and explosives in South Asia and fought with Al-Qaida in Afghanistan. Arrested in the United Arab Emirates (UAE) in Jan. 2007 on charges of being a member of Al-Qaida and the LIFG. Following his conviction in the UAE in late 2007, he was transferred to Bahrain in early 2008 to serve out the remainder of his sentence.

6. QI.A.18.01.

**Name:** 1: SAIYID 2: ABD AL-MAN 3: na 4: na

**Title:** na **Designation:** na **DOB:** na **POB:** na **Good quality a.k.a.:** Abdul Manan **Low quality a.k.a.:** a) Agha Haji b) Am **Nationality:** na **Passport no.:** na **National identification no.:** na **Ad-dress:** na **Listed on:** 17 Oct. 2001 **Other information:** Pakistan.

7. Deleted

8. QIA.289.11.

**Name:** 1: SAID JAN 2: 'ABD AL-SALAM 3: na 4: na

**Title:** na **Designation:** na **DOB:** a) 5 Feb. 1981 b) 1 Jan. 1972

**POB:** na **Good quality a.k.a.:** a) Sa'id Jan 'Abd-al-Salam b)

Dilawar Khan Zain Khan, born 1 Jan. 1972 **Low quality a.k.a.:**

a) Qazi 'Abdallah b) Qazi Abdullah c) Ibrahim Walid d) Qasi

Sa'id Jan e) Said Jhan f) Farhan Khan g) Aziz Cairo h) Nangiali

**Nationality:** Afghan **Passport no.:** a) Afghan passport number

OR801168, issued on 28 Feb. 2006, expires 27 Feb. 2011, under

name Said Jan 'Abd al-Salam b) Pakistani passport number

4117921, issued on 9 Sep. 2008, expires 9 Sep. 2013, issued under

name Dilawar Khan Zain Khan **National identification no.:**

Kuwaiti Civil Identification number 281020505755, under name

Said Jan 'Abd al-Salam **Address:** na **Listed on:** 9 Feb. 2011

**Other information:** In approximately 2005, ran a "basic training"

camp for Al-Qaida (QE.A.4.01.) in Pakistan.

9. QIA.90.03.

**Name:** 1: YOUSSEF 2: BEN ABDUL BAKI 3: BEN

YOUCEF 4: ABDAOUI

**Title:** na **Designation:** na **DOB:** 4 Sep. 1966 **POB:** Kairouan,

Tunisia **Good quality a.k.a.:** na **Low quality a.k.a.:** a) Abu

Abdullah b) Abdellah c) Abdullah d) Abou Abdullah e) Abdul-

lah Youssef **Nationality:** Tunisian **Passport no.:** Tunisian

passport number G025057, issued on 23 Jun. 1999, expired on

5 Feb. 2004 **National identification no.:** Italian Identity Card

number AO 2879097 valid until 30 Oct. 2012 **Address:**

Number 8/B Via Torino, Cassano Magnago (VA), Italy **Listed**

**on:** 25 Jun. 2003 (amended on 23 Jun. 2004, 20 Dec. 2005, 17

Oct. 2007, 9 Sep. 2010, 16 May 2011) **Other information:**

Italian Fiscal Code: BDA YSF 66P04 Z352Q. Inadmissible to

the Schengen area. Mother's name is Fatima Abdaoui. Member

of an organization operating in Italy directly linked with The

Organization of AlQaida in the Islamic Maghreb (QE.T.14.01).

Review pursuant to Security Council resolution 1822 (2008) was

concluded on 22 Apr. 2010.

10. QIA.173.04.

**Name:** 1: MOHAMED 2: BEN MOHAMED 3: BEN

KHALIFA 4: ABDELHEDI

**Title:** na **Designation:** na **DOB:** 10 Aug. 1965 **POB:** Sfax, Tuni-

sia **Good quality A.k.a.:** Mohamed Ben Mohamed Abdelhedi

**Low quality A.k.a.:** na **Nationality:** Tunisian **Passport no.:** Tunisian passport number L965734, issued on 6 Feb. 1999 expired on 5 Feb. 2004 **National identification no.:** na **Address: a)** 64, Via Galileo Ferraris, Varese, Italy **b)** 261 Kramdah Road (km 2), Sfax, Tunisia **Listed on:** 23 Jun. 2004 (amended on 20 Dec. 2005, 31 Jul. 2006, 17 Oct. 2007, 9 Sep. 2010, 13 Dec. 2011) **Other information:** Italian Fiscal Code: BDL MMD 65M10 Z352S. Mother's Name: Shadhliah Ben Amir. Resided in Italy as at Aug. 2009. Review pursuant to Security Council resolution 1822 (2008) was concluded on 9 Apr. 2010.

11. QI.A.192.05.

**Name:** 1: ABD ALLAH 2: MOHAMED 3: RAGAB 4: ABDEL RAHMAN

**Title:** na **Designation:** na **DOB:** 3 Nov. 1957 **POB:** Kafr Al-Shaykh, Egypt **Good quality A.k.a.:** **a)** Abu Al-Khayr **b)** Ahmad Hasan **c)** Abu Jihad **Low quality A.k.a.:** na **Nationality:** Egyptian **Passport no.:** na **National identification no.:** na **Address:** Believed to be in Pakistan or Afghanistan **Listed on:** 29 Sep. 2005 (amended on 13 Dec. 2011) **Other information:** Member of Egyptian Islamic Jihad (QE.A.3.01). Review pursuant to Security Council resolution 1822 (2008) was concluded on 1 Jun. 2010.

12. QI.A.54.01.

**Name:** 1: MAJEED 2: ABDUL CHAUDHRY 3: na 4: na **Title:** na **Designation:** na **DOB:** a) 15 Apr. 1939 b) 1938 **POB:** na **Good quality a.k.a.:** **a)** Majeed, Abdul **b)** Majeed Chaudhry Abdul **c)** Majid, Abdul **Low quality a.k.a.:** na **Nationality:** Pakistani **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 24 Dec. 2001 **Other information:** na

13. QI.A.109.03.

**Name:** 1: ZULKIFLI 2: ABDUL HIR 3: na 4: na **Title:** na **Designation:** na **DOB:** **a)** 5 Jan. 1966 **b)** 5 Oct. 1966 **POB:** Muar Johor, Malaysia **Good quality a.k.a.:** **a)** Musa Abdul Hir **b)** Muslimin Abdulmotalib **c)** Salim Alombra **d)** Armand Escalante **e)** Normina Hashim **f)** Henri Lawi **g)** Hendri Lawi **h)** Norhana Mohamad **i)** Omar Salem **j)** Ahmad Shobirin **k)** Bin Abdul Hir Zulkifli **Low quality a.k.a.:** **a)** Abdulhir Bin Hir **b)** Hassan **c)** Hogalu **d)** Hugalu **e)** Lagu **f)** Marwan **Nationality:** Malaysian **Passport no.:** A 11263265 **National identification no.:** **a)** 660105-01-5297 **b)** driver license number D2161572

issued in California, USA **Address:** Seksyen 17, Shah Alam, Selangor, Malaysia **Listed on:** 9 Sep. 2003 (amended on 25 Jan. 2010) **Other information:** The Court for the Northern District of California, USA, issued a warrant of arrest for him on 1 Aug. 2007. At large in the Southern Philippines. Mother's name is Minah Bintu Aogist Abd Aziz. Review pursuant to Security Council resolution 1822 (2008) was concluded on 19 Jun. 2009.

14. QIA.200.05.

**Name:** 1: DIEMAN 2: ABDULKADIR IZZAT 3: na 4: na  
**Title:** na **Designation:** na **DOB:** 4 Jul. 1965 **POB:** Kirkuk, Iraq **Good quality a.k.a.:** Deiman Alhasenben Ali Aljabbari, born 4 Jul. 1965 **Low quality a.k.a.:** na **Nationality:** Iraqi **Passport no.:** German travel document ("Reiseausweis") A 0141062 (revoked as at Sep. 2012) **National identification no.:** na **Ad-dress:** Bavaria, Germany. **Listed on:** 6 Dec. 2005 (amended on 25 Jan. 2010, 13 Dec. 2011) **Other information:** Review pursuant to Security Council resolution 1822 (2008) was concluded on 30 Jul. 2009.

15. QIA.295.11.

**Name:** 1: MUHAMMAD 2: JIBRIL 3: ABDUL RAHMAN 4: na  
**Title:** na **Designation:** na **DOB:** a) 28 May 1984 b) 3 Dec. 1979 c) 3 March 1979 (from false passport) **POB:** East Lombok, West Nusa Tenggara, Indonesia **Good quality a.k.a.:** a) Mohammad Jibril Abdurrahman b) Muhammad Jibriel Abdul Rahman c) Mohammad Jibriel Abdurrahman d) Muhamad Ricky Ardhan, born 8 Aug. 1980, (appears in false Indonesian passport number S335026) e) Muhammad Ricky Ardhan bin Muhammad Iqbal f) Muhammad Ricky Ardhan bin Abu Jibril **Low quality a.k.a.:** a) Muhammad Yunus b) Heris Syah **Nationality:** Indonesian **Passport no.:** na **National identification no.:** a) Indonesian national identity card number 3219222002.2181558 b) Identification number 2181558 **Address:** a) Jalan M. Saidi RT 010 RW 001 Pesanggrahan, South Petukangan, South Jakarta, Indonesia b) Jalan Nakula of Witana Harja Complex Block C, Pamulang, Banten, Indonesia **Listed on:** 12 Aug. 2011 **Other information:** Senior member of Jemaah Islamiyah (QEj.92.02.) directly involved in obtaining funding for terrorist attacks. Sentenced in Indonesia to five years in prison on 29 Jun. 2010. Father's name is Mohamad Iqbal Abdurrahman (QIA.86.03.).

16. QI.A.229.07.  
**Name:** 1: ALY 2: SOLIMAN 3: MASSOUD 4: ABDUL SAYED  
**Title:** na **Designation:** na **DOB:** 1969 **POB:** Tripoli, Libyan Arab Jamahiriya **Good quality A.k.a.:** a) Ibn El Qaim b) Mohamed Osman **Low quality A.k.a.:** Adam **Nationality:** Libyan **Passport no.:** Libyan Passport No. 96/184442 **National identification no.:** na **Address:** Ghout El Shamal, Tripoli, Libyan Arab Jamahiriya **Listed on:** 8 Jun. 2007 (amended on 13 Dec. 2011) **Other information:** Member of Libyan Islamic Fighting Group (QE.L.11.01). Review pursuant to Security Council resolution 1822 (2008) was concluded on 24 Nov. 2009.
17. QI.A.86.03.  
**Name:** 1: MOHAMAD 2: IQBAL 3: ABDURRAHMAN 4: na  
**Title:** na **Designation:** na **DOB:** a) 17 Aug. 1957 b) 17 Aug. 1958 **POB:** a) Korleko-Lombok Timur, Indonesia b) Tirpas-Selong Village, East Lombok, Indonesia **Good quality a.k.a.:** a) Rahman, Mohamad Iqbal b) A Rahman, Mohamad Iqbal c) Abu Jibril Abdurrahman d) Fikiruddin Muqti e) Fihiruddin Muqti f) Abdul Rahman, Mohamad Iqbal **Low quality a.k.a.:** na **Nationality:** Indonesian **Passport no.:** na **National identification no.:** 3603251708570001 **Address:** Jalan Nakula, Komplek Witana Harja III Blok C 106-107, Tangerang, Indonesia **Listed on:** 28 Jan. 2003 (amended on 26 Nov. 2004, 16 May 2011, 10 Jun. 2011) **Other information:** Review pursuant to Security Council resolution 1822 (2008) was concluded on 8 Jun. 2010.
- 17a. QI.A.309.12.  
**Name:** 1: ABDUR REHMAN 2: na 3: na 4: na  
**Title:** na **Designation:** na **DOB:** 3 Oct. 1965 **POB:** Mirpur Khas, Pakistan **Good quality a.k.a.:** a) Abdul Rehman; Abd Ur-Rehman; Abdur Rahman b) Abdul Rehman Sindhi; Abdul Rehman al-Sindhi; Abdur Rahman al-Sindhi; Abdur Rehman Sindhi; Abdurahman Sindhi c) Abdullah Sindhi **Low quality a.k.a.:** Abdur Rehman Muhammad Yamin **Nationality:** Pakistani **Passport no.:** Pakistani passport number CV9157521, issued on 8 Sep. 2008, expires on 7 Sep. 2013 **National identification no.:** Pakistani national identity card number 44103-5251752-5 **Address:** Karachi, Pakistan **Listed on:** 14 Mar. 2012 **Other information:** Has provided facilitation and financial services to Al-Qaida (QE.A.4.01). Associated with Harakatul



- Jihad Islami (QE.H.130.10.), Jaish-I-Mohammed (QE.J.19.01.), and Al-Akhtar Trust International (QE.A.121.05.).
18. QI.A.285.10.  
**Name:** 1: MUHAMMAD 2: ABDALLAH 3: HASAN 4: ABU-AL-KHAYR  
**Title:** na **Designation:** na **DOB:** a) 19 Jun. 1975 b) 18 Jun. 1975  
**POB:** Al-Madinah al-Munawwarah, Saudi Arabia **Good quality a.k.a.:** a) Mohammed Abdullah Hassan Abul-Khair b) Muhammad Abdallah Hasan Abu-al-Khayr c) Muhammad Bin- 'Abdallah Bin-Hamd Abu-al-Khayr d) Abdallah al-Halabi e) 'Abdallah al-Halabi al-Madani f) Abdallah al-Makki g) Abdallah el-Halabi h) Abdullah al-Halabi i) Abu 'Abdallah alHalabi **Low quality a.k.a.:** a) Abu Abdallah al-Madani b) Muhannad al-Jaddawi **Nationality:** Saudi Arabian **Passport no.:** Saudi Arabian passport number A741097, issued on 14 Nov. 1995 and expired on 19 Sep. 2000. **National identification no.:** Saudi Arabian national identification number 1006010555 **Address:** na **Listed on:** 24 Aug. 2010 **Other information:** Appears on a 2009 list of 85 persons wanted by the government of Saudi Arabia.
19. QI.A.230.07.  
**Name:** 1: SAID 2: YOUSSEF 3: ALI 4: ABU AZIZA  
**Title:** na **Designation:** na **DOB:** 1958 **POB:** Tripoli, Libyan Arab Jamahiriya **Good quality A.k.a.:** a) Abdul Hamid b) Abu Turab **Low quality A.k.a.:** na **Nationality:** Libyan **Passport no.:** a) Libyan passport number 87/437555 b)Libyan passport number 274381 **National identification no.:** Libyan national identification number 145126 **Address:** na **Listed on:** 8 Jun. 2007 (amended on 13 Dec. 2011) **Other information:** Mother's name is Fatima Isa. Member of Libyan Islamic Fighting Group (QE.L.11.01) and Al-Qaida (QE.A.4.01). Review pursuant to Security Council resolution 1822 (2008) was concluded on 24 Nov. 2009.
20. QI.A.130.03.  
**Name:** 1: MOHAMED 2: GHASSAN 3: ALI 4: ABU DHESS  
**Title:** na **Designation:** na **DOB:** 22 Jun. 1966 **POB:** Irbid, Jordan **Good quality a.k.a.:** a) Yaser Hassan, born 1 Feb. 1966 in Hasmija b) Abu Ali Abu Mohamed Dhees, born 1 Feb. 1966 in Hasmija c) Mohamed Abu Dhees, born 1 Feb. 1966 in Hashmija, Iraq **Low quality a.k.a.:** na **Nationality:** Jordanian **Passport no.:** a) German International travel document no.: 0695982,

- expired **b)** German International travel document no.: 0785146, valid until 8 Apr. 2004 **National identification no.:** na **Address:** Germany **Listed on:** 23 Sep. 2003 (amended on 23 Dec. 2008, 11 Mar. 2010, 10 Jun. 2011) **Other information:** Father's name is Mouhemad Saleh Hassan name is Mariam Hassan, neé Chalabia Associated with Ismail Abdallah Sbaitan Shalabi (QI.S.128.03), Djamel Moustfa (QI.M.129.03) and Aschraf AlDagma (QI.A.132.03). Review pursuant to Security Council resolution 1822 (2008) was concluded on 19 Jan. 2010.
21. QI.A.224.06.  
**Name:** 1: ISMAIL 2: MOHAMED 3: ISMAIL 4: ABU SHAWEESH  
**Title:** na **Designation:** na **DOB:** 10 Mar. 1977 **POB:** Benghazi, Libyan Arab Jamahiriya **Good quality A.k.a.:** na **Low quality A.k.a.:** na **Nationality:** Stateless Palestinian **Passport no.:**  
a) Egyptian travel document, passport number 0003684  
b) Egyptian passport number 981354 **National identification no.:** na **Address:** Germany **Listed on:** 2 Aug. 2006 (amended on 11 Mar. 2010, 13 Dec. 2011) **Other information:** In detention since 22 May 2005. His brother is Yasser Mohamed Ismail Abu Shaweesh (QI.A.201.05). Review pursuant to Security Council resolution 1822 (2008) was concluded on 24 Nov. 2009.
22. QI.A.201.05.  
**Name:** 1: YASSER 2: MOHAMED 3: ISMAIL 4: ABU SHAWEESH  
**Title:** na **Designation:** na **DOB:** 20 Nov. 1973 **POB:** Benghazi, Libyan Arab Jamahiriya **Good quality A.k.a.:** Yasser Mohamed Abou Shaweesh **Low quality A.k.a.:** na **Nationality:** Stateless Palestinian **Passport no.:** a) Passport substitute C00071659 issued by the Federal Republic of Germany **b)** Egyptian passport 0003213 **c)** Egyptian travel document 939254 **d)** Egyptian passport 981358 **National identification no.:** na **Address:** In prison in Germany **Listed on:** 6 Dec. 2005 (amended on 7 Sep. 2007, 11 Mar. 2010, 28 Sep. 2010, 13 Dec. 2011) **Other information:** Sentenced to 5 years and 6 months imprisonment in Germany on 6 Dec. 2007. His brother is Ismail Mohamed Ismail Abu Shaweesh (QI.A.224.06). Review pursuant to Security Council resolution 1822 (2008) was concluded on 24 Nov. 2009.

- 22a. QI.A.304.12.  
**Name:** 1: MOCHAMMAD 2: ACHWAN 3: na 4: na  
**Title:** na **Designation:** na **DOB:** a) 4 May 1948 b) 4 May 1946  
**POB:** Tulungagung, Indonesia **Good quality a.k.a.:** a) Muhammad Achwan b) Muhammad Akhwan c) Mochtar Achwan  
d) Mochtar Akhwan e) Mochtar Akwan **Low quality a.k.a.:** na  
**Nationality:** Indonesian **Passport no.:** na **National identification no.:** Indonesian National Identity Card Number 3573010405480001 under name Mochammad Achwan **Address:** Jalan Ir. H. Juanda 8/10, RT/RW 002/001, Jodipan, Blimbing, Malang, Indonesia **Listed on:** 12 Mar. 2012 **Other information:** Acting emir of Jemmah Anshorut Tauhid (JAT) (QEj.133.12.). Associated with Abu Bakar Ba'asyir (QI.B.217.06), Abdul Rahim Ba'aysir (QI.B.293.11) and Jemaah Islamiyah (QEj.92.02.).
23. QI.A.203.05.  
**Name:** 1: FARHAD 2: KANABI 3: AHMAD 4: na  
**Title:** na **Designation:** na **DOB:** 1 Jul. 1971 **POB:** Arbil, Iraq **Good quality a.k.a.:** a) Kaua Omar Achmed b) Kawa Hamawandi (previously listed as) **Low quality a.k.a.:** na  
**Nationality:** Iraqi **Passport no.:** German travel document ("Reiseausweis") A 0139243 (revoked as at Sep. 2012) **National identification no.:** na **Address:** Iraq **Listed on:** 6 Dec. 2005 (amended on 31 Jul. 2006, 25 Jan. 2010, 13 Dec. 2011) **Other information:** Released from custody in Germany on 10 Dec. 2010 and relocated to Iraq on 6 Dec. 2011. Review pursuant to Security Council resolution 1822 (2008) was concluded on 5 Oct. 2009.
24. QI.A.226.06.  
**Name:** 1: NAJMUDDIN 2: FARAJ 3: AHMAD 4: na  
**Title:** na **Designation:** na **DOB:** a) 7 Jul. 1956 b) 17 Jun. 1963  
**POB:** Oqlaqoo Sharbajer, Al-Sulaymaniyah Governorate, Iraq  
**Good quality a.k.a.:** a) Mullah Krekar b) Fateh Najm Eddine Farraj c) Faraj Ahmad Najmuddin **Low quality a.k.a.:** na  
**Nationality:** Iraqi **Passport no.:** na **National identification no.:** na  
**Address:** Heimdalsgate 36-V, 0578 Oslo, Norway **Listed on:** 7 Dec. 2006 **Other information:** na

25. QI.A.237.08.  
**Name:** 1: JABER 2: ABDALLAH 3: JABER 4: AHMAD ALJALAHMAH  
**Title:** na **Designation:** na **DOB:** 24 Sep. 1959 **POB:** Al-Khitan area, Kuwait **Good quality a.k.a.:** a) Jaber Al-Jalamah b) Abu Muhammad Al-Jalahmah c) Jabir Abdallah Jabir Ahmad Jalahmah d) Jabir 'Abdallah Jabir Ahmad Al-Jalamah e) Jabir Al-Jalhami **Low quality a.k.a.:** a) Abdul-Ghani b) Abu Muhammad **Nationality:** Kuwaiti **Passport no.:** a) 101423404 b) Kuwaiti passport number 2541451, valid until 16 Feb. 2017 c) Kuwaiti passport number 002327881 **National identification no.:** Kuwaiti national identification number 259092401188 **Address:** na Kuwait (residence as at Mar. 2009) **Listed on:** 16 Jan. 2008 (amended on 1 Jul. 2008, 23 Jul. 2008, 25 Jan. 2010) **Other information:** Review pursuant to Security Council resolution 1822 (2008) was concluded on 14 Sep. 2009.
26. QI.A.14.01.  
**Name:** 1: TARIQ 2: ANWAR 3: EL SAYED 4: AHMED  
**Title:** na **Designation:** na **DOB:** 15 Mar. 1963 **POB:** Alexandria, Egypt **Good quality a.k.a.:** a) Hamdi Ahmad Farag b) Amr AlFatih Fathi c) Tarek Anwar El Sayed Ahmad **Low quality a.k.a.:** na **Nationality:** Egyptian **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 6 Oct. 2001 (amended on 26 Nov. 2004, 18 Jul. 2007, 16 May 2011) **Other information:** Reportedly deceased in October 2001. Review pursuant to Security Council resolution 1822 (2008) was concluded on 29 Jul. 2010.
27. QI.A.193.05.  
**Name:** 1: ZAKI 2: EZAT 3: ZAKI 4: AHMED  
**Title:** na **Designation:** na **DOB:** 21 Apr. 1960 **POB:** a) Sharqiyah, Egypt b) Zaqaqiz, Egypt **Good quality A.k.a.:** a) Rifat Salim b) Abu Usama **Low quality A.k.a.:** na **Nationality:** Egyptian **Passport no.:** na **National identification no.:** na **Address:** May be on the Pakistani-Afghan border **Listed on:** 29 Sep. 2005 (amended on 13 Dec. 2011) **Other information:** Father's name is Ahmed Ezat Zaki. Member of Egyptian Islamic Jihad (QE.A.3.01). Review pursuant to Security Council resolution 1822 (2008) was concluded on 1 Jun. 2010.

28. QI.A.161.04.  
**Name:** 1: FARID 2: AIDER 3: na 4: na  
**Title:** na **Designation:** na **DOB:** 12 Oct. 1964 **POB:** Algiers, Algeria **Good quality a.k.a.:** a) Achour Ali b) Terfi Farid **Low quality a.k.a.:** Abdallah **Nationality:** Algerian **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 17 Mar. 2004 (amended on 26 Nov. 2004, 25 Jan. 2010, 16 May 2011) **Other information:** Italian Fiscal Code DRAFRD64R12Z301C. Sentenced in Italy in Mar. 2002 to 8 years of imprisonment Arrest warrant issued by the Italian authorities on 16 Nov. 2007. Considered a fugitive from justice by the Italian authorities as of 14 Dec. 2007. Review pursuant to Security Council resolution 1822 (2008) was concluded on 30 Jul. 2009.
29. QI.A.91.03.  
**Name:** 1: MOHAMED 2: AMINE 3: AKLI 4: na  
**Title:** na **Designation:** na **DOB:** 30 Mar. 1972 **POB:** Bordj el Kiffane, Algeria **Good quality a.k.a.:** a) Akli Amine Mohamed b) Killech Shamir c) Kali Sami **Low quality a.k.a.:** Elias **Nationality:** Algerian **Passport no.:** na **National identification no.:** na **Address:** Algeria **Listed on:** 25 Jun. 2003 (amended on 12 Apr. 2006, 17 Oct. 2007, 16 May 2011) **Other information:** Father's name is Lounes. Mother's name is Kadidja. Inadmissible to the Schengen area. Deported from Spain to Algeria in Aug. 2009. Review pursuant to Security Council resolution 1822 (2008) was concluded on 15 Jun. 2010.
30. QI.A.236.08.  
**Name:** 1: HAMID 2: ABDALLAH 3: AHMAD 4: AL-ALI  
**Title:** na **Designation:** na **DOB:** 20 Jan. 1960 **POB:** Kuwait **Good quality a.k.a.:** a) Dr. Hamed Abdullah Al-Ali b) Hamed Al-'Ali c) Hamed bin 'Abdallah Al-'Ali d) Hamid 'Abdallah Al-'Ali e) Hamid 'Abdallah Ahmad Al-'Ali f) Hamid bin Abdallah Ahmed Al-Ali g) Hamid Abdallah Ahmed Al-Ali **Low quality a.k.a.:** a) Abu Salim **Nationality:** Kuwaiti **Passport no.:** Kuwaiti passport number 1739010 issued in Kuwait, issued on 26 May 2003 and expired on 25 May 2008 **National identification no.:** na **Address:** Kuwait (residence as at Mar. 2009) **Listed on:** 16 Jan. 2008 (amended on 1 Jul. 2008, 23 Jul. 2008, 25 Jan. 2010) **Other information:** Review pursuant to Security Council resolution 1822 (2008) was concluded on 14 Sep. 2009.

31. QI.A.92.03.  
**Name:** 1: MEHREZ 2: BEN MAHMOUD 3: BEN SASSI 4: AL-AMDOUNI  
**Title:** na **Designation:** na **DOB:** 18 Dec. 1969 **POB:** Asima-Tunis, Tunisia **Good quality a.k.a.:** a) Fabio Fusco, born 25 May 1968 in Naples, Italy b) Fabio Fusco, born 18 Dec. 1968 in Tunisia c) Fabio Fusco, born 25 May 1968 in Algeria d) Mohamed Hassan e) Meherez Hamdouni f) Amdouni Mehrez ben Tah, born 14 Jul. 1969 in Tunisia g) Meherez ben Ahdoud ben Amdouni **Low quality a.k.a.:** Abu Thale **Nationality:** Tunisian **Passport no.:** Tunisian passport number G737411, issued on 24 Oct. 1990, expired on 20 Sep. 1997 **National identification no.:** na **Address:** Italy **Listed on:** 25 Jun. 2003 (amended on 26 Nov. 2004, 20 Dec. 2005, 17 Oct. 2007, 16 Sep. 2008, 24 Mar. 2009, 12 Jul. 2010, 16 May 2011) **Other information:** Father's name is Mahmoud ben Sasi. Mother's name is Maryam bint al-Tijani. Inadmissible to the Schengen area. Review pursuant to Security Council resolution 1822 (2008) was concluded on 22 Apr. 2010.
32. QI.A.60.02.  
**Name:** 1: MOHAMED 2: BEN BELGACEM 3: BEN ABDALLAH 4: AL-AOUADI  
**Title:** na **Designation:** na **DOB:** 11 Dec. 1974 **POB:** Tunis, Tunisia **Good quality a.k.a.:** a) Aouadi, Mohamed Ben Belgacem b) Fathi Hannachi **Low quality a.k.a.:** na **Nationality:** Tunisian **Passport no.:** Tunisian passport number L 191609 issued on 28 Feb. 1996, expired on 27 Feb. 2001 **National identification no.:** 04643632 issued on 18 June 1999 **Address:** 50th Street, Number 23, Zehrouni, Tunis, Tunisia **Listed on:** 24 Apr. 2002 (amended on 10 Apr. 2003, 26 Nov. 2004, 9 Sep. 2005, 20 Dec. 2005, 31 Jul. 2006, 7 Jun. 2007, 23 Dec. 2010) **Other information:** Italian Fiscal Code: DAOMMD74T11Z352Z. Mother's name is Ourida Bint Mohamed. Deported from Italy to Tunisia on 1 Dec. 2004. Review pursuant to Security Council resolution 1822 (2008) was concluded on 22 Apr. 2010.
33. QI.A.171.04.  
**Name:** 1: AQEEL 2: ABDULAZIZ 3: AQEEL 4: AL-AQEEL  
**Title:** na **Designation:** na **DOB:** 29 Apr. 1949 **POB:** Uneizah, Saudi Arabia **Good quality A.k.a.:** a) Aqeel Abdulaziz Al-Aqil b) Ageel Abdulaziz A. Alageel **Low quality A.k.a.:** na **Nationality:** Saudi Arabian **Passport no.:** a) Passport number C

- 1415363 - issued on 21 May 2000 (16/2/1421H) **b)** Passport number E 839024, issued on 3 Jan. 2004, expired on 8 Nov. 2008 **National identification no.:** na **Address:** Saudi Arabia (as at Apr. 2009) **Listed on:** 6 Jul. 2004 (amended on 23 Apr. 2007, 17 Jul. 2009, 13 Dec. 2011) **Other information:** In detention in Saudi Arabia as at Nov. 2010. Review pursuant to Security Council resolution 1822 (2008) was concluded on 19 Oct. 2009.
34. QI.A.291.11.  
**Name:** 1: IBRAHIM 2: HASSAN 3: TALII 4: AL-ASIRI  
**Title:** na **Designation:** na **DOB:** **a)** 19 Apr. 1982 **b)** 18 Apr. 1982 **c)** 24/06/1402 (Hijri Calendar) **POB:** Riyadh, Saudi Arabia **Good quality a.k.a.:** **a)** Ibrahim Hassan Tali Asiri **b)** Ibrahim Hasan Talea Aseeri **c)** Ibrahim Hassan al-Asiri **d)** Ibrahim Hasan Tali Asiri **e)** Ibrahim Hassan Tali Assiri **f)** Ibrahim Hasan Tali'A 'Asiri **g)** Ibrahim Hasan Tali al-'Asiri **h)** Ibrahim al-'Asiri **i)** Ibrahim Hassan Al Asiri **Low quality a.k.a.:** **a)** Abu Saleh **b)** Abosslah **c)** Abu-Salaah **Nationality:** Saudi Arabian **Passport no.:** Saudi Arabian passport number F654645, issued on 30 Apr. 2005, expired on 7 Mar. 2010. Issue date in Hijri Calendar 24/06/1426. Expiry date in Hijri Calendar 21/03/1431. **National identification no.:** Saudi Arabian civil identification number 1028745097 **Address:** Yemen **Listed on:** 24 Mar. 2011 **Other information:** Operative and principal bomb maker of Al-Qaida in the Arabian Peninsula (AQAP) (QE.A.129.10). Believed to be hiding in Yemen as at Mar. 2011. Wanted by Saudi Arabia. INTERPOL Orange Notice (file #2009/52/OS/CCC, #81) has been issued for him. Also associated with Nasir 'abd-al-Karim 'Abdullah Al-Wahishi (QI.A.274.10.), Said Ali al-Shihri (QI.A.275.10.), Qasim Yahya Mahdi al-Rimi (QI.A.282.10.), and Anwar Nasser Abdulla Al-Aulaqi (QI.A.283.10.)
35. QI.A.283.10.  
**Name:** 1: ANWAR 2: NASSER 3: ABDULLA 4: AL-AULAQI  
**Title:** na **Designation:** na **DOB:** **a)** 21 Apr. 1971 **b)** 22 Apr. 1971 **POB:** Las Cruces, New Mexico, United States of America **Good quality a.k.a.:** **a)** Anwar al-Aulaqi **b)** Anwar al-Awlaki **c)** Anwar al-Awlaqi **d)** Anwar Nasser Aulaqi **e)** Anwar Nasser Abdullah Aulaqi **f)** Anwar Nasser Abdulla Aulaqi **Low quality a.k.a.:** na **Nationality:** **a)** United States of America **b)** Yemeni **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 20 Jul. 2010 (amended on 30 Nov. 2011) **Other in-**

**formation:** Confirmed to have died on 30 Sep. 2011 in Yemen.

36. Deleted

37. QI.A.93.03.

**Name:** 1: CHIHEB 2: BEN MOHAMED 3: BEN MOKHTAR 4: AL-AYARI

**Title:** na **Designation:** na **DOB:** 19 Dec. 1965 **POB:** Tunis, Tunisia **Good quality a.k.a.:** a) Hichem Abu Hchem b) Ayari Chihbe c) Ayari Chied d) Adam Hussainy, born 19 Dec. 1965 in Greece **Low quality a.k.a.:** a) Hichem b) Abu Hichem c) Moktar **Nationality:** Tunisian **Passport no.:** Tunisian passport number L246084, issued on 10 June 1996, expired on 9 June 2001 **National identification no.:** na **Address:** Bardo, Tunis, Tunisia **Listed on:** 25 Jun. 2003 (amended on 20 Dec. 2005, 17 Oct. 2007, 10 Aug. 2009, 16 May 2011) **Other information:** Extradited from Italy to Tunisia on 13 r. Apr. 2006. Mother's name is Fatima alTumi. Inadmissible to the Schengen area. Review pursuant to Security Council resolution 1822 (2008) was concluded on 22 Apr. 2010.

38. Deleted

39. QI.A.179.04.

**Name:** 1: SULIMAN 2: HAMD 3: SULEIMAN 4: AL-BUTHE **Title:** na **Designation:** na **DOB:** 8 Dec. 1961 **POB:** Cairo, Egypt **Good quality A.k.a.:** a) Soliman H.S. Al Buthi b) Sulayman Hamad Sulayman Al Batha **Low quality A.k.a.:** na **Nationality:** Saudi Arabian **Passport no.:** a) Saudi Arabia passport number B049614 b) Saudi Arabia passport number C 536660, issued on 5 May 2001, expired on 11 Mar. 2006 **National identification no.:** na **Address:** Riyadh, Saudi Arabia **Listed on:** 28 Sep. 2004 (amended on 23 Apr. 2007, 13 Dec. 2011) **Other information:** General Director of the Environmental Health Department of the Municipality of Riyadh, Saudi Arabia (as at Feb. 2010). Review pursuant to Security Council resolution 1822 (2008) was concluded on 25 May 2010.

40. QI.A.138.03.

**Name:** 1: SAID 2: BEN ABDELHAKIM 3: BEN OMAR 4: ALCHERIF

**Title:** na **Designation:** na **DOB:** 25 Jan. 1970 **POB:** Manzil Tmim, Tunisia **Good quality a.k.a.:** a) Cherif Said, born 25 Jan. 1970 in Tunisia b) Binhamoda Hokri, born 25 Jan. 1970 in Sosa, Tunisia c) Hcrif Ataf, born 25 Jan. 1971 in Solisse, Tunisia d) Bin



Homoda Chokri, born 25 Jan. 1970 in Tunis, Tunisia **e)** Atef Cherif, born 12 Dec. 1973 in Algeria **f)** Sherif Ataf, born 12 Dec. 1973 in Aras, Algeria **g)** Ataf Cherif Said, born 12 Dec. 1973 in Tunis, Tunisia **h)** Cherif Said, born 25 Jan. 25 Jan. 1970 in Tunis, Tunisia **i)** Cherif Said, born 12 Dec. 1973 in Algeria **Low quality a.k.a.:** **a)** Djallal **b)** Youcef **c)** Abou Salman **d)** Said Tmimi **Nationality:** Tunisian **Passport no.:** Tunisian passport number M307968, issued on 8 Sep. 2001, expires on 7 Sep. 2006 **National identification no.:** na **Address:** Corso Lodi 59, Milan, Italy **Listed on:** 12 Nov. 2003 (amended on 20 Dec. 2005, 21 Dec. 2007, 30 Jan. 2009, 16 May 2011) **Other information:** Mother's name is Radhiyah Makki. Sentenced to eight years and ten months of imprisonment for membership of a terrorist association by the Appeal Court of Milan, Italy, on 7 Feb. 2008. Sentence confirmed by the Italian Supreme Court on 15 Jan. 2009, which became definitive as of Feb. 2008. Subject to expulsion from Italy to Tunisia after serving the sentence. Review pursuant to Security Council resolution 1822 (2008) was concluded on 6 May 2010.

41.

QI.A.231.07.

**Name:** 1: SALEM 2: NOR ELDIN 3: AMOHAMED 4: AL-DABSKI

**Title:** na **Designation:** na **DOB:** 1963 **POB:** Tripoli, Libyan Arab Jamahiriya **Good quality A.k.a.:** **a)** Abu Al-Ward **b)** Abdullah Ragab **Low quality A.k.a.:** **a)** Abu Naim **b)** Abdallah al- Masri **Nationality:** Libyan **Passport no.:** **a)** Libyan passport number 345751 **b)**Libyan passport number 1990/345751 **National identification no.:** Libyan national identification number 220334 **Address:** Bab Ben Ghasheer, Tripoli, Libyan Arab Jamahiriya **Listed on:** 8 Jun. 2007 (amended on 13 Dec. 2011) **Other information:** Mother's name is Kalthoum Abdul Salam al-Shaftari. Senior member of Libyan Islamic Fighting Group (Q.E.L.11.01) and member of Al-Qaida (Q.E.A.4.01). Review pursuant to Security Council resolution 1822 (2008) was concluded on 24 Nov. 2009.

42. QI.A.132.03.  
**Name:** 1: ASCHRAF 2: AL-DAGMA 3: na 4: na  
**Title:** na **Designation:** na **DOB:** 28 Apr. 1969 **POB:** Abasan, Gaza Strip, Palestinian Territories **Good quality a.k.a.:** Aschraf Al-Dagma, born 28 Apr. 1969 in Kannyouiz, Palestinian Territories **Low quality a.k.a.:** na **Nationality:** Unresolved/ Palestinian origin **Passport no.:** Refugee travel document issued by Landratsamt Altenburger Land (Altenburg County Administration Office), Germany, dated 30 Apr. 2000 **National identification no.:** na **Address:** Germany **Listed on:** 23 Sep. 2003 (amended on 23 Dec. 2008, 11 Mar. 2010, 10 Jun. 2011) **Other information:** Associated with Ismail Abdallah Sbaitan Shalabi (QI.S.128.03), Djamel Moustfa (QI.M.129.03) and Mohamed Abu Dhess (QI.A.130.03). Review pursuant to Security Council resolution 1822 (2008) was concluded on 19 Jan. 2010.
43. QI.A.278.10.  
**Name:** 1: MUTHANNA 2: HARITH 3: AL-DARI 4: na  
**Title:** Doctor **Designation:** na **DOB:** 16 Jun. 1969 **POB:** Iraq **Good quality a.k.a.:** a) Dr. Muthanna Al Dari b) Muthana Harith Al Dari c) Muthanna Harith Sulayman Al-Dari d) Muthanna Harith Sulayman Al-Dhari e) Muthanna Hareth Al-Dhari f) Muthana Haris Al-Dhari g) Doctor Muthanna Harith Sulayman Al Dari Al-Zawba' h) Muthanna Harith Sulayman Al-Dari Al-Zobai i) Muthanna Harith Sulayman AlDari al-Zawba'i j) Muthanna Hareth al-Dari k) Muthana Haris al-Dari l) Doctor Muthanna al-Dari m) Dr. Muthanna Harith al-Dari al-Zowbai **Low quality a.k.a.:** na **Nationality:** Iraqi **Passport no.:** na **National identification no.:** na **Address:** a) Amman, Jordan b) Khan Dari, Iraq (previous) c) Asas Village, Abu Ghurayb, Iraq (previous) d) Egypt (previous) **Listed on:** 25 Mar. 2010 **Other information:** Provided operational guidance financial support and other services to or in support of AlQaida in Iraq (QEj.115.04.).

44. QI.A.149.03.  
**Name:** 1: NOUREDDINE 2: BEN ALI 3: BEN BELKASSEM 4: AL-DRISSI  
**Title:** na **Designation:** na **DOB:** 30 Apr. 1964 **POB:** Tunis, Tunisia **Good quality a.k.a.:** Drissi Nouredine **Low quality a.k.a.:** a) Abou Ali b) Faycal **Nationality:** Tunisian **Passport no.:** Tunisian passport number L851940, issued on 9 Sep. 1998, expired on 8 Sep. 2003 **National identification no.:** na **Address:** Via Plebiscito 3, Cermona, Italy **Listed on:** 12 Nov. 2003 (amended on 20 Dec. 2005, 31 Jul. 2006, 21 Dec. 2007, 16 May 2011) **Other information:** Under administrative control measure in Italy until 5 May 2010. Inadmissible to the Schengen area. Mother's name is Khadijah al-Drissi. Review pursuant to Security Council resolution 1822 (2008) was concluded on 22 Apr. 2010.
45. Deleted
46. QI.A.59.02.  
**Name:** 1: KHALID 2: ABD AL-RAHMAN 3: HAMD 4: ALFAWAZ  
**Title:** na **Designation:** na **DOB:** 24 Aug. 1962 **POB:** Kuwait **Good quality a.k.a.:** a) Al-Fauwaz, Khaled b) Al-Fauwaz, Khaled A. c) Al-Fawwaz, Khalid d) Al Fawwaz, Khalik e) Al-Fawwaz, Khaled f) Al Fawwaz, Khaled g) Khalid Abdulrahman H. Al Fawaz **Low quality a.k.a.:** na **Nationality:** Saudi Arabian **Passport no.:** Passport number 456682, issued on 6 Nov. 1990, expired on 13 Sep. 1995 **National identification no.:** na **Address:** London, United Kingdom **Listed on:** 24 Apr. 2002 (amended on 26 Nov. 2004, 23 Apr. 2007, 21 Oct. 2010) **Other information:** In custody in the United Kingdom as at October 2009. Review pursuant to Security Council resolution 1822 (2008) was concluded on 22 Apr. 2010.
47. QI.A.228.06.  
**Name:** 1: MOHAMMED 2: AL GHABRA 3: na 4: na  
**Title:** na **Designation:** na **DOB:** 1 Jun. 1980 **POB:** Damascus, Syrian Arab Republic **Good quality A.k.a.:** na **Low quality A.k.a.:** na **Nationality:** British **Passport no.:** British passport number 094629366 **National identification no.:** na **Address:** East London, United Kingdom **Listed on:** 12 Dec. 2006 (amended on 13 Dec. 2011) **Other information:** Father's name is Mohamed Ayman Ghabra. Mother's name is Dalal. Review pursuant to Security Council resolution 1822 (2008) was con-

cluded on 5 Oct. 2009.

48. QI.A.292.11.

**Name:** 1: OTHMAN 2: AHMED 3: OTHMAN 4: AL-GHAMDI

**Title:** na **Designation:** na **DOB:** 27 May 1979 **POB:** Saudi Arabia **Good quality a.k.a.:** a) Othman al-Ghamdi, born 27 May 1979 in Saudi Arabia b) Uthman al-Ghamdi, born 27 May 1979 in Saudi Arabia c) Uthman al-Ghamidi, born 27 May 1979 in Saudi Arabia d) Othman bin Ahmed bin Othman Alghamdi e) Othman Ahmed Othman Al Omairah, born in 1973 in Shabwa, Yemen, nationality: Yemeni f) Uthman Ahmad Uthman al-Ghamdi g) Othman Ahmed Othman al-Omirah **Low quality a.k.a.:** a) Al Umairah al-Ghamdi b) Othman Bin Ahmed Bin Othman **Nationality:** Saudi Arabian **Passport no.:** na **National identification no.:** Saudi Arabian national identity card number 1089516791 **Address:** Yemen **Listed on:** 16 Jun. 2011 **Other information:** Operational commander of Al-Qaida in the Arabian Peninsula (AQAP) (QE.A.129.10). Has been involved in raising funds and stockpiling arms for AQAP operations and activities in Yemen. Known associate of Qasim Yahya Mahdi al-Rimi (QI.A.282.10.) and Fahd Mohammed Ahmed al-Quso (QI.A.288.10.). INTERPOL Orange Notice (file number 2009/52/OS/CCC, #14). INTERPOL Red Notice (Control Number A-596/3-2009, File Number 2009/3731). Father's name is Ahmed Othman Al Omirah.

49. QI.A.160.04.

**Name:** 1: FETHI 2: BEN HASSEN 3: BEN SALEM 4: AL-HADDAD

**Title:** na **Designation:** na **DOB:** a) 28 Jun. 1963 b) 28 Mar. 1963 **POB:** Tataouene, Tunisia **Good quality a.k.a.:** a) Fethi ben Assen Haddad b) Fathy Hassan al Haddad **Low quality a.k.a.:** na **Nationality:** Tunisian **Passport no.:** Tunisian passport number L183017, issued on 14 Feb. 1996, expired on 13 Feb. 2001 **National identification no.:** na **Address:** a) Number 184 Via Fulvio Testi - Cinisello Balsamo (MI), Italy b) Number 1 Via Porte Giove - Mortara (PV), Italy, (Domicile) **Listed on:** 17 Mar. 2004 (amended on 26 Nov. 2004, 20 Dec. 2005, 21 Dec. 2007, 25 Jan. 2010, 16 May 2011) **Other information:** Italian Fiscal Code: HDDDFTH63H28Z352V. Review pursuant to Security Council resolution 1822 (2008) was concluded on 30 Jul. 2009.

50. Deleted
51. QIA.140.03.  
**Name:** 1: KAMAL 2: BEN MAOELDI 3: BEN HASSAN 4: AL-HAMRAOUI  
**Title:** na **Designation:** na **DOB:** 21 Oct. 1977 **POB:** Beja, Tunisia **Good quality a.k.a.:** a) Hamroui Kamel ben Mouldi b) Hamraoui Kamel, born 21 Nov. 1977 in Morocco c) Hamraoui Kamel, born 21 Nov. 1977 in Tunisia d) Hamraoui Kamel, born 21 Oct. 1977 in Tunisia **Low quality a.k.a.:** a) Kamel b) Kimo **Nationality:** Tunisian **Passport no.:** Tunisian passport number P229856, issued on 1 Nov. 2002, expired on 31 Oct. 2007 **National identification no.:** na **Address:** a) Via Bertesi Number 27, Cremona, Italy b) Via Plebiscito Number 3, Cremona, Italy **Listed on:** 12 Nov. 2003 (amended on 20 Dec. 2005, 31 Jul. 2006, 21 Dec. 2007, 16 May 2011) **Other information:** Mother's name is Khamisah al-Kathiri. Subject to a decree of expulsion, suspended on 17 Apr. 2007 by the European Court of Human Rights. Re-arrested in Italy on 20 May 2008. Inadmissible to the Schengen area. Review pursuant to Security Council resolution 1822 (2008) was concluded on 6 May 2010.
52. Deleted
53. QIA.254.08.  
**Name:** 1: ABD AL-RAHMAN 2: MUHAMMAD 3: JAFFAR 4: 'ALI  
**Title:** na **Designation:** na **DOB:** 15 Jan. 1968 **POB:** Muharraq, Bahrain **Good quality a.k.a.:** a) Abd al-Rahman Muhammad Jaffir b) Abd al-Rahman Muhammad Jafir 'Ali c) Abd al-Rahman Jaffir Ali d) Abdul Rahman Mohamed Jaffer Ali e) Abdulrahman Mohammad Jaffar **Low quality a.k.a.:** a) 'Ali Al-Khal b) Abu Muhammad Al-Khal **Nationality:** Bahraini **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 10 Oct. 2008 **Other information:** Bahrain-based financier and facilitator for Al-Qaida (listed under permanent reference number QE.A.4.01). In Jan. 2008, convicted by the Bahraini High Criminal Court for financing terrorism, undergoing terrorist training, facilitating the travel of others to receive terrorist training abroad, and for membership in a terrorist organization. Released after Court verdict and completion of his sentence. Located in Bahrain (as of May 2008).
54. QIA.21.01.

**Name:** 1: AHMED 2: MOHAMMED 3: HAMED 4: ALI

**Title:** na **Designation:** na **DOB:** 13 Jan. 1967 **POB:** Badari, Asyout, Egypt **Good quality a.k.a.:** a) Abdurehman, Ahmed Mohammed b) Ahmed Hamed c) Ali, Ahmed Mohammed d) Ali, Hamed e) Hemed, Ahmed f) Shieb, Ahmed **Low quality a.k.a.:** a) Abu Fatima b) Abu Islam c) Abu Khadiijah d) Ahmed The Egyptian e) Ahmed, Ahmed f) Al-Masri, Ahmad g) Al-Surir, Abu Islam h) Shuaib **Nationality:** Egyptian **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 17 Oct. 2001 (amended on 2 Jul. 2007, 16 Dec. 2010) **Other information:** Afghanistan. Review pursuant to Security Council resolution 1822 (2008) was concluded on 15 Jun. 2010.

55. QI.A.154.04.

**Name:** 1: SULAIMAN 2: JASSEM 3: SULAIMAN 4: ALI ABO GHATHH

**Title:** na **Designation:** na **DOB:** 14 Dec. 1965 **POB:** Kuwait **Good quality a.k.a.:** na **Low quality a.k.a.:** Abo Ghaith **Nationality:** Kuwaiti citizenship withdrawn in 2002 **Passport no.:** Kuwaiti passport number 849594 issued in Kuwait, issued on 27 Nov. 1998 and expired on 24 Jun. 2003 **National identification no.:** na **Address:** na **Listed on:** 16 Jan. 2004 (amended on 23 Jul. 2008, 10 Jun. 2011) **Other information:** Left Kuwait for Pakistan in June 2001. Review pursuant to Security Council resolution 1822 (2008) was concluded on 21 Jun. 2010.

55a. QI.A.299.11.

**Name:** 1: IBRAHIM 2: AWWAD 3: IBRAHIM 4: ALI AL-BADRI AL-SAMARRAI

**Title:** Dr. **Designation:** na **DOB:** 1971 **POB:** Iraq **Good quality a.k.a.:** Dr. Ibrahim 'Awwad Ibrahim 'Ali al-Badri al-Samarrai', born in 1971 in Samarra, Iraq (Ibrahim 'Awad Ibrahim al-Badri al-Samarrai; Ibrahim 'Awad Ibrahim al-Samarrai'; Dr. Ibrahim Awwad Ibrahim al-Samarrai) **Low quality a.k.a.:** a) Abu Du'a; Abu Duaa', (prominently known by this nom de guerre) b) Dr. Ibrahim c) Abu Bakr al-Baghdadi al-Husayni al-Quraishi; Abu Bakr al-Baghdadi **Nationality:** Iraqi **Passport no.:** na **National identification no.:** na **Address:** Iraq **Listed on:** 5 Oct. 2011 (amended on 20 Jul. 2012) **Other information:** Leader of AlQaida in Iraq (QEj.115.04.) (AQI). Currently based in Iraq. Responsible for managing and directing AQI large scale operations.

56. QI.A.194.05.  
**Name:** 1: MOHAMMED 2: AHMED 3: SHAWKI 4: AL ISLAMBOLLY  
**Title:** na **Designation:** na **DOB:** 21 Jan. 1957 **POB:** El-Minya, Qena, Egypt **Good quality A.k.a.:** a) Abu Khalid b) Abu Ja'far c) Mohamed El Islambouli **Low quality A.k.a.:** na **Nationality:** Egyptian **Passport no.:** na **National identification no.:** na **Address:** Believed to be in Pakistan or Afghanistan **Listed on:** 29 Sep. 2005 (amended on 13 Dec. 2011) **Other information:** Father's name is Shawki al-Islambolly. Member of Egyptian Islamic Jihad (QE.A.3.01). Review pursuant to Security Council resolution 1822 (2008) was concluded on 1 Jun. 2010.
57. QI.A.176.04.  
**Name:** 1: IMAD 2: BEN BECHIR 3: BEN HAMDA 4: AL-JAMMALI  
**Title:** na **Designation:** na **DOB:** 25 Jan. 1968 **POB:** Manzal Tmim, Nabal, Tunisia **Good quality A.k.a.:** na **Low quality A.k.a.:** na **Nationality:** Tunisian **Passport no.:** Tunisian passport number K693812, issued on 23 Apr. 1999, expired on 22 Apr. 2004 **National identification no.:** na **Address:** 4 Qistantiniyah Street, Manzal Tmim, Nabal, Tunisia (home address) **Listed on:** 23 Jun. 2004 (amended on 20 Dec. 2005, 31 Jul. 2006, 17 Oct. 2007, 13 Dec. 2011) **Other information:** Italian Fiscal Code: JMM MDI 68A25 Z352D. In detention in Tunis (Tunisia) as at Dec. 2009. Mother's name is Jamilah. Italian Judicial Authorities have issued a warrant of arrest against him, which had not been executed as of Sep. 2007. Review pursuant to Security Council resolution 1822 (2008) was concluded on 9 Apr. 2010.
58. QI.A.58.02.  
**Name:** 1: ABU BAKR 2: AL-JAZIRI 3: na 4: na  
**Title:** na **Designation:** na **DOB:** na **POB:** na **Good quality a.k.a.:** Yasir Al-Jazari **Low quality a.k.a.:** na **Nationality:** a) Algerian b) Palestinian **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 11 Jan. 2002 (amended on 18 Jul. 2007, 1 Feb. 2008, 16 May 2011) **Other information:** Finance chief of the Afghan Support Committee (ASC) (QE.A.69.02.). AlQaida (QE.A.4.01.) facilitator and communication expert. Believed to be in Algeria as at Apr. 2010. Review pursuant to Security Council resolution 1822 (2008) was concluded on 21 Jun.

2010.

59. QI.A.71.02.

**Name:** 1: RIADH 2: BEN BELKASSEM 3: BEN MOHAMED 4: AL-JELASSI

**Title:** na **Designation:** na **DOB:** 15 Dec. 1970 **POB:** Al-Mohamedia, Tunisia **Good quality a.k.a.:** na **Low quality a.k.a.:** na **Nationality:** Tunisian **Passport no.:** Tunisian passport number L276046, issued on 1 Jul. 1996, expired on 30 Jun. 2001 **National identification no.:** na **Address:** Italy **Listed on:** 3 Sep. 2002 (amended on 20 Dec. 2005, 31 Jul. 2006, 10 Aug. 2009, 23 Dec. 2010) **Other information:** Mother's name is Reem Al-Askari. Member of Tunisian Combatant Group (QE.T.90.02). Review pursuant to Security Council resolution 1822 (2008) was concluded on 21 Apr. 2010.

60. QI.A.101.03.

**Name:** 1: FAOUZI 2: BEN MOHAMED 3: BEN AHMED 4: AL-JENDOUBI

**Title:** na **Designation:** na **DOB:** 30 Jan. 1966 **POB:** Tunis, Tunisia **Good quality a.k.a.:** Jendoubi Faouzi, born 30 Jan. 1966 in Morocco **Low quality a.k.a.:** a) Said b) Samir **Nationality:** Tunisian **Passport no.:** Tunisian passport number K459698, issued on 6 Mar. 1999, expired on 5 Mar. 2004 **National identification no.:** na **Address:** a na **Listed on:** 25 Jun. 2003 (amended on 20 Dec. 2005, 31 Jul. 2006, 17 Oct. 2007, 16 May 2011) **Other information:** Mother's name is Um Hani al-Tujani. Inadmissible to the Schengen area. Reported untraceable by the Italian authorities since June 2002. Review pursuant to Security Council resolution 1822 (2008) was concluded on 22 Apr. 2010.

61. QI.A.233.07.

**Name:** 1: FAHD 2: MUHAMMAD 3: 'ABD AL-'AZIZ 4: ALKHASHIBAN

**Title:** na **Designation:** na **DOB:** 16 Oct. 1966 **POB:** Oneiza, Saudi Arabia **Good quality A.k.a.:** a) Fahad H. A. Khashayban b) Fahad H. A. Kheshaiban c) Fahad Mohammad Abdulaziz Alkhoshiban d) Fahad H. A. al-Khashiban e) Fahad H. A. Kheshayban f) Fahad H. A. al-Khosiban g) Fahad H. A. Khasiban h) Fahd Muhammad 'Abd Al-'Aziz al-Khashayban i) Fahd Muhammad'Abd al-'Aziz al-Khushayban j) Fahad al-Khashiban k) Fahd Khushaiban l) Fahad Muhammad A. al-Khoshiban m) Fahad Mohammad A. al-Khoshiban **Low quality A.k.a.:**



- a) Shaykh Abu Thabit b) Abu Thabit c) Shaykh Thabet d) Abdur Abu Rahman e) Abu Abdur Rahman **Nationality:** Saudi Arabian **Passport no.:** Saudi Arabian passport number G477835, issued on 26 Jun. 2006, expired on 3 May 2011 **National identification no.:** na **Address:** Saudi Arabia **Listed on:** 9 Oct. 2007 (amended on 20 Feb. 2008, 13 Dec. 2011) **Other information:** Involved in the financing of and otherwise provided assistance to the Abu Sayyaf Group (QE.A.1.01.). Review pursuant to Security Council resolution 1822 (2008) was concluded on 14 Sep. 2009.
62. QIA.170.04.  
**Name:** 1: HACENE 2: ALLANE 3: na 4: na  
**Title:** na **Designation:** na **DOB:** 17 Jan. 1941 **POB:** Médéa, Algeria **Good quality A.k.a.:** a) Hassan the Old b) Al Sheikh Abdelhay c) Boulahia d) Abu al-Foutouh e) Cheib Ahcéne **Low quality A.k.a.:** na **Nationality:** Algerian **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 3 May 2004 (amended on 12 Apr. 2006, 7 Apr. 2008, 13 Dec. 2011) **Other information:** Confirmed to have died on 16 Apr. 2004 in northern Niger. Review pursuant to Security Council resolution 1822 (2008) was concluded on 27 Jul. 2010.
63. QIA.177.04.  
**Name:** 1: HABIB 2: BEN 3: AHMED 4: AL-LOUBIRI  
**Title:** na **Designation:** na **DOB:** 17 Nov. 1961 **POB:** Manzal Tmim, Nabl, Tunisia **Good quality A.k.a.:** Al-Habib ben Ahmad ben al-Tayib al-Lubiri **Low quality A.k.a.:** na **Nationality:** Tunisian **Passport no.:** Tunisian passport number M788439, issued on 20 Oct. 2001, expires on 19 Oct. 2006 **National identification no.:** na **Address:** Al-Damus, Manzal Tmim, Nabl, Tunisia (habitual residence) **Listed on:** 23 Jun. 2004 (amended on 20 Dec. 2005, 17 Oct. 2007, 10 Aug. 2009, 13 Dec. 2011) **Other information:** Italian Fiscal Code: LBR HBB 61S17 Z352F. In detention in Tunisia as at Dec. 2009. Mother's name is Fatima bint al-Mukhtar. Review pursuant to Security Council resolution 1822 (2008) was concluded on 9 Apr. 2010.
64. QIA.74.02.  
**Name:** 1: TAREK 2: BEN HABIB 3: BEN AL-TOUMI 4: ALMAAROUFI  
**Title:** na **Designation:** na **DOB:** 23 Nov. 1965 **POB:** Ghardimaou, Tunisia **Good quality a.k.a.:** a) Abu Ismail b) About

Ismail el Jendoubi **c)** Abou Ismail Al Djoundoubi **Low quality a.k.a.:** na **Nationality:** Tunisian **Passport no.:** Tunisian passport number E590976, issued on 19 Jun. 1987 expired on 18 Jun. 1992 **National identification no.:** na **Address:** Rue Léon Théodore Number 107/1, 1090 Jette, Brussels, Belgium **Listed on:** 3 Sep. 2002 (amended on 26 Nov. 2004, 20 Dec. 2005, 31 Jul. 2006, 3 Jul. 2007, 10 Aug. 2009, 25 Jan. 2010, 23 Dec. 2010) **Other information:** Belgian nationality withdrawn on 26 Jan. 2009. In detention in Nivelles, Belgium, as of Oct. 2010. Review pursuant to Security Council resolution 1822 (2008) was concluded on 8 Jun. 2010.

65. QI.A.276.10.

**Name:** 1: AKRAM 2: TURKI 3: HISHAN 4: AL-MAZIDIH **Title:** na **Designation:** na **DOB:** a) 1974 b) 1975 **POB:** na **Good quality a.k.a.:** Akram Turki Al-Hishan **Low quality a.k.a.:** a) Abu Jarrah b) Abu Akram **Nationality:** na **Passport no.:** na **National identification no.:** na **Address:** Zabadani, Syrian Arab Republic **Listed on:** 11 Mar. 2010 **Other information:** Other possible date of birth: 1979. He is a cousin of Ghazy Fezza Hishan Al Mazidih (QI.A.277.10).

66. QI.A.277.10.

**Name:** 1: GHAZY 2: FEZZA 3: HISHAN 4: AL-MAZIDIH **Title:** na **Designation:** na **DOB:** a) 1974 b) 1975 **POB:** na **Good quality a.k.a.:** a) Ghazy Fezzaa Hishan b) Mushari Abd Aziz Saleh Shlash **Low quality a.k.a.:** a) Abu Faysal b) Abu Ghazzy **Nationality:** na **Passport no.:** na **National identification no.:** na **Address:** Zabadani, Syrian Arab Republic **Listed on:** 11 Mar. 2010 **Other information:** He is a cousin of Akram Turki Hishan Al Mazidih (QI.A.276.10).

67. QI.A.225.06.

**Name:** 1: ABD AL HAMID 2: SULAIMAN 3: MUHAMMED 4: AL-MUJIL **Title:** na **Designation:** na **DOB:** a) 28 Apr. 1949 b) 29 Apr. 1949 **POB:** Kuwait **Good quality A.k.a.:** a) Abd al-Hamid Sulaiman Al-Mu'jil b) Dr. Abd Al-Hamid Al-Mu'ajjal c) Abd al-Hamid Mu'jil d) A.S.Mujel e) Abdulhamid Sulaiman M.Al Mojil f) Dr. Abd al-Hamid Al-Mujal g) Dr. Abd Abdul-Hamid bin Sulaiman Al-Mu'jil **Low quality A.k.a.:** Abu Abdallah **Nationality:** Saudi Arabian **Passport no.:** Saudi Arabian passport number F 137998, issued on 18 Apr. 2004 expired on 24

Feb. 2009 **National identification no.:** na **Address:** na  
**Listed on:** 4 Aug. 2006 (amended on 23 Apr. 2007, 13 Dec. 2011) **Other information:** Review pursuant to Security Council resolution 1822 (2008) was concluded on 14 Sep. 2009.

68.

QI.T.76.02.

**Name:** 1: ISAM 2: ALI 3: MOHAMED 4: ALOUCHE

**Title:** na **Designation:** na **DOB:** a) 1972 b) 21 Mar. 1974 **POB:** Baghdad, Iraq **Good quality a.k.a.:** Mansour Thaer, born 21 March 1974 in Baghdad, Iraq **Low quality a.k.a.:** na **Nationality:** Jordanian **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 3 Sep. 2002 (amended on 18 Aug. 2006, 30 Jan. 2009) **Other information:** Was deported from Germany to Jordan in Feb. 2005.

69.

QI.A.273.09.

**Name:** 1: FAZEEL-A-TUL 2: SHAYKH ABU MOHAMMED 3: AMEEN 4: AL-PESHAWARI

**Title:** na **Designation:** na **DOB:** a) Approximately 1967 b) Approximately 1961 c) Approximately 1973 **POB:** Konar Province, Afghanistan **Good quality a.k.a.:** a) Shaykh Aminullah b) Sheik Aminullah c) Abu Mohammad Aminullah Peshawari d) Abu Mohammad Amin Bishawri e) Abu Mohammad Shaykh Aminullah Al-Bishauri f) Shaykh Abu Mohammed Ameen al-Peshawari g) Shaykh Aminullah Al-Peshawari **Low quality a.k.a.:** na **Nationality:** na **Passport no.:** na **National identification no.:** na **Address:** Ganj District, Peshawar, Pakistan **Listed on:** 29 Jun. 2009 **Other information:** Associated with Al-Qaida (QE.A.4.01.). In detention as at June 2009.

70.

QI.A.281.10.

**Name:** 1: NAYIF 2: BIN-MUHAMMAD 3: AL-QAHTANI 4: na

**Title:** na **Designation:** na **DOB:** 25 Mar. 1988 **POB:** Saudi Arabia **Good quality a.k.a.:** a) Nayif Bin-Muhammad al-Qahtani b) Nayef Bin Muhammad al-Qahtani c) Nayif Muhammad al-Qahtani d) Nayf Mohammed al-Qahtani e) Naif Mohammad Said al-Qahtani Alkodri f) Naif Mohammed Saeed al-Kodari al-Qahtani g) Nayef Bin Mohamed al-Khatani h) Mohammed Naif al-Khatani i) Nayef bin Mohamed al-Khatany j) Al-Qahtani Abohemem **Low quality a.k.a.:** a) Abi Hamam b) Abu-Hamam c) Abu-Humam d) Abu-Hammam e) Abu Hammam al-Qahtani **Nationality:** Saudi Arabian **Passport no.:** Saudi Arabian pass-

port number G449745, issued on 30 May 2006, valid until 6 Apr. 2011 **National identification no.:** na **Address:** Yemen **Listed on:** 11 May 2010 **Other information:** Associated with AlQaida in the Arabian Peninsula (QE.A.129.10.) and its leader, Nasir 'abd-al-Karim 'Abdullah Al-Wahishi (QI.A.274.10).

71.

QI.A.288.10.

**Name:** 1: FAHD 2: MOHAMMED 3: AHMED 4: AL-QUSO**Title:** na **Designation:** na **DOB:** 12 Nov. 1974 **POB:** Aden, Yemen **Good quality a.k.a.:** a) Fahd al-Quso b) Fahd Mohammed Ahmen al-Quso **Low quality a.k.a.:**a) Abu Huthaifahb) Abu Huthaifah al-Yemeni c) Abu Huthaifah al-Adani d) Abu al-Bara e) Abu Huthayfah al-Adani f) Fahd Mohammed Ahmed al-Awlaqi g) Huthaifah al-Yemeni h) Abu Huthaifah al-Abu al-Bara i) Fahd Muhammad Ahmad al-Kuss **Nationality:** Yemeni **Passport no.:** na **National identification no.:** Yemeni national identification number 2043 **Address:** Yemen **Listed on:** 7 Dec. 2010 (amended on 21 Jun. 2012) **Other information:** INTERPOL File No. 2003/25507, Control No. A-652/6-2003. Operative of Al-Qaida in the Arabian Peninsula (QE.A.129.10.) and cell leader in Shabwa Province, Yemen. Reportedly deceased on 6 May 2012 in Yemen.

72.

Deleted

73.

QI.A.282.10.

**Name:** 1: QASIM 2: YAHYA 3: MAHDI 4: AL-RIMI**Title:** na **Designation:** na **DOB:** 5 Jun. 1978 **POB:** Sanaa, Yemen **Good quality a.k.a.:** a) Qasim Al-Rimi b) Qasim al-Raymic) Qassim al-Raymi d) Qasim al-Rami **Low quality a.k.a.:** a) Qasim Yahya Mahdi 'Abd al-Rimi b) Abu Hurayah al-Sana'ai c) Abu 'Ammar **Nationality:** Yemeni **Passport no.:** Yemeni passport number 00344994, issued on 3 Jul. 1999 **National identification no.:** na **Address:** Yemen **Listed on:** 11 May 2010 **Other information:** Interpol Red Notice file for AL RIMI (f/n) Qassim Yahya Mahdi # 2006/6496, Control # A-478/3-2009.

74.

QI.A.23.01.

**Name:** 1: NAZIH 2: ABDUL HAMED 3: NABIH 4: AL-RUQAPI**Title:** na **Designation:** na **DOB:** a) 30 Mar. 1964 b) 14 May 1964 **POB:** Tripoli, Libyan Arab Jamahiriya **Good quality a.k.a.:** a) Anas Al-Liby b) Anas Al-Sibai c) Nazih Abdul Hamed AlRaghie **Low quality a.k.a.:** na **Nationality:** Libyan **Passport**

- no.:** 621570 **National identification no.:** 200310/I **Address:** Al Nawafaliyyin, Jarraba Street, Taqsim Al Zuruq, Tripoli, Libyan Arab Jamahiriya **Listed on:** 17 Oct. 2001 (amended on 31 Jul. 2006, 16 Dec. 2010) **Other information:** Review pursuant to Security Council resolution 1822 (2008) was concluded on 21 Jun. 2010.
75. QIA.198.05.  
**Name:** 1: HANI 2: AL-SAYYID 3: AL-SEBAI 4: na **YUSIF**  
**Title:** na **Designation:** na **DOB:** a) 1 Mar. 1961 b) 16 Jun. 1960  
**POB:** Qaylubiyah, Egypt **Good quality a.k.a.:** a) Hani Yousef Al-Sebai b) Hani Youssef c) Hany Youseff d) Hani Yusef e) Hani al-Sayyid Al-Sabai f) Hani al-Sayyid El Sebai g) Hani al-Sayyid Al Siba'i h) Hani al-Sayyid El Sabaay i) El-Sababt j) Abu Tusnin k) Abu Akram l) Hani El Sayyed Elsebai Yusef m) Abu Karim n) Hany Elsayed Youssef **Low quality a.k.a.:** na  
**Nationality:** Egyptian **Passport no.:** na **National identification no.:** na **Ad-dress:** London, United Kingdom  
**Listed on:** 29 Sep. 2005 (amended on 6 Oct. 2005, 18 Aug. 2006, 25 Jan. 2012) **Other information:** Father's name is Mohamed Elsayed Elsebai. Review pursuant to Security Council resolution 1822 (2008) was concluded on 29 Jul. 2010.
76. Deleted
77. QIA.275.10.  
**Name:** 1: SAID 2: ALI 3: AL-SHIHRI 4: na  
**Title:** na **Designation:** na **DOB:** 12 Sep. 1973 **POB:** Riyadh, Saudi Arabia **Good quality a.k.a.:** a) Sa'id Ali Jabir al-Kathim al-Shihri b) Said Ali Al Shahri c) Said Ali Jaber Al Khasaam Al Shahri d) Said Ali Jaber Al Khassam **Low quality a.k.a.:** a) Abu-Sayyaf b) Abu-Sufyan al-Azidi c) Abu-Sayyaf al-Shihri d) Abu Sufian Kadhhaab Matrook e) Salah f) Salah Abu Sufyan g) Salah al-Din h) Abu Osama i) Abu Sulaiman j) Nur al-Din Afghani Azibk k) Alahhaddm l) Akhdam m) Abu Sufian Al Azadi n) Abu Asmaa **Nationality:** Saudi Arabian **Passport no.:** Saudi Arabian passport number C102432, issued on 22 Apr. 2000, expired on 26 Feb. 2005. Issue date in Hijri Calendar 17/01/1421. Expiry date in Hijri Calendar 17/01/1426.  
**National identification no.:** Saudi Arabian national identification number 1008168450 **Address:** na **Listed on:** 19 Jan. 2010 **Other information:** Since Jan. 2009, deputy to Nasir 'abd-al-Karim 'Abdullah al-Wahishi (QIA.274.10), leader of Al-Qaida in the Arabian

Peninsula (QE.A.129.10.) operating in Yemen and Saudi Arabia. Associated with senior Al-Qaida (QE.A.4.01.) leadership. Was in custody of the United States of America between 2001-2007, detainee number 372. Fugitive in Saudi Arabia among the 85 most wanted persons. Located in Yemen as at Jan. 2010.

78. QI.A.253.08.

**Name:** 1: KHALIFA 2: MUHAMMAD 3: TURKI 4: AL-SUBAIY

**Title:** na **Designation:** na **DOB:** 1 Jan. 1965 **POB:** Doha, Qatar **Good quality a.k.a.:** a) Khalifa Mohd Turki Alsubaie b) Khalifa Mohd Turki al-Subaie c) Khalifa Al-Subaiy d) Khalifa Turki bin Muhammad bin al-Suaiy **Low quality a.k.a.:** na **Nationality:** Qatari **Passport no.:** Qatari passport number 00685868 issued in Doha on 5 Feb. 2006 and expiring on 4 Feb. 2011 **National identification no.:** Qatari identity card number 26563400140 **Address:** Doha, Qatar **Listed on:** 10 Oct. 2008 (amended on 25 Jan. 2010) **Other information:** Qatar-based terrorist financier and facilitator who has provided financial support to, and acted on behalf of, the senior leadership of AlQaida (QE.A.4.01.), including moving recruits to Al-Qaida training camps in South Asia. In Jan. 2008, convicted in absentia by the Bahraini High Criminal Court for financing terrorism, undergoing terrorist training, facilitating the travel of others to receive terrorist training abroad, and for membership in a terrorist organization. Arrested in Qatar in Mar. 2008. Served his sentence in Qatar and has been released from detention. Mother's name is Hamdah Ahmad Haidoos.

79. QI.A.234.07.

**Name:** 1: ABDUL RAHIM 2: na 3: na 4: AL-TALHI

**Title:** na **Designation:** na **DOB:** 8 Dec. 1961 **POB:** Al-Shefa, Al-Taif, Saudi Arabia **Good quality A.k.a.:** a) 'Abdul-Rahim Hammad al-Talhi b) Abd' Al-Rahim Hamad al-Tahi c) Abdulrheem Hammad A Altalhi d) Abe Al-Rahim al-Talahi e) Abd Al-Rahim Al Tahli f) 'Abd al-Rahim al-Talhi g) Abdulrahim Al Tahi h) Abdulrahim al-Talji i) 'Abd-Al-Rahim al Talji j) Abdul Rahim Hammad Ahmad Al-Talhi **Low quality A.k.a.:** a) Abdul Rahim b) Abu Al Bara'a Al Naji c) Shuwayb Junayd **Nationality:** Saudi Arabian **Passport no.:** Saudi Arabian passport number F275043, issued on 29 May 2004, expired 5 Apr. 2009 **National identification no.:** na **Address:** Buraydah, Saudi

- Arabia **Listed on:** 9 Oct. 2007 (amended on 20 Feb. 2008, 13 Dec. 2011) **Other information:** Involved in the financing of, arms supply to and otherwise provided assistance to the Abu Sayyaf Group (QE.A.1.01.). Review pursuant to Security Council resolution 1822 (2008) was concluded on 14 Sep. 2009.
80. QIA.77.02.  
**Name:** 1: AL-AZHAR 2: BEN MOHAMMED 3: BEN EL-ABED 4: AL-TLILI  
**Title:** na **Designation:** na **DOB:** 26 Mar. 1969 **POB:** Feriana, Al-Kasrain, Tunisia **Good quality a.k.a.:** Lazar Ben Mohammed Tlili **Low quality a.k.a.:** na **Nationality:** Tunisian **Passport no.:** Tunisian passport number M 351140, expired on 16 Jun. 2005 **National identification no.:** na **Address:** Via Carlo Porta n. 97, Legnano, Italy **Listed on:** 3 Sep. 2002 (amended on 20 Dec. 2005, 31 Jul. 2006, 7 Jun. 2007, 28 Jul. 2008, 23 Dec. 2010) **Other information:** Italian Fiscal Code: TLLLHR69C26Z352G. Extradited from France to Italy on 6 Sep. 2006. Released from prison in Italy on 15 Jan. 2007. Sentenced in absentia in Tunisia to twenty years of imprisonment. Mother's name is Essayda Bint Salih Al-Tlili. Review pursuant to Security Council resolution 1822 (2008) was concluded on 21 Apr. 2010.
81. Deleted

82. QI.A.151.03.

**Name:** 1: MOURAD 2: BEN ALI 3: BEN AL-BASHEER 4: AL-TRABELSI

**Title:** na **Designation:** na **DOB:** 20 May 1969 **POB:** Manzil Tmim, Tunisia **Good quality a.k.a.:** **a)** Aboue Chiba Brahim, born 2 Sep. 1966 in Libya **b)** Arouri Taoufik, born 2 Sep. 1964 in Tunisia **c)** Ben Salah Adnan, born 2 Apr. 1966 in Tunisia **d)** Sassi Adel, born 2 Sep. 1966 in Tunisia **e)** Salam Kamel, born 2 Feb. 1963 in Tunisia **f)** Salah Adnan, born 4 Feb. 1965 in Algeria **g)** Arouri Faisel, born 2 Mar. 1965 in Tunisia **h)** Bentaib Amour, born 9 Feb. 1965 in Morocco **i)** Adnan Salah, born 1 Apr. 1966 in Tunisia **j)** Hasnaoui Mellit, born in 1972 in Morocco **k)** Arouri Taoufik ben Taieb, born 9 Feb. 1964 in Tunisia **l)** Abouechiba Brahim, born 2 Sep. 1966 in Lebanon **m)** Farid Arouri, born 2 Jun. 1964 in Tunisia **n)** Ben Magid, born 2 Jun. 1966 in Lebanon **o)** Maci Ssassi, born 2 Jun. 1972 in Libya **p)** Salah ben Anan, born 2 Apr. 1966 in Tunisia **q)** Hasnau Mellit, born in 1972 in Morocco **Low quality a.k.a.:** Abou Djarrah **Nationality:** Tunisian **Passport no.:** Tunisian passport number G827238, issued on 1 Jun. 1996, expired on 31 May 2001 **National identification no.:** na **Address:** Libya Street Number 9, Manzil Tmim, Nabeul, Tunisia **Listed on:** 12 Nov. 2003 (amended on 20 Dec. 2005, 10 Aug. 2009, 16 May 2011) **Other information:** Extradited from Italy to Tunisia on 13 Dec. 2008. Inadmissible to the Schengen area. Mother's name is Mabrukah al-Yazidi. Review pursuant to Security Council resolution 1822 (2008) was concluded on 22 Apr. 2010.

83. QI.A.172.04.

**Name:** 1: HASSAN 2: ABDULLAH 3: HERSI 4: AL-TURKI **Title:** **a)** Sheikh **b)** Colonel **Designation:** na **DOB:** Approximately 1944 **POB:** Region V, Ethiopia, (the Ogaden Region in eastern Ethiopia) **Good quality A.k.a.:** **a)** Hassan Turki **b)** Hassen Abdelle Fihye **c)** Sheikh Hassan Abdullah Fahaih **d)** Hassan Al-Turki **e)** Hassan Abdillahi Hersi Turki **f)** Sheikh Hassan Turki **g)** Xasan Cabdilaahi Xirsi **h)** Xasan Cabdulle Xirsi **Low quality A.k.a.:** na **Nationality:** Somali **Passport no.:** na **National identification no.:** na **Address:** Reported to be active in Southern Somalia, lower Juba near Kismayo, mainly in Jilibe and Burgabo as of November 2007 **Listed on:** 6 Jul. 2004 (amended on 25 Jul. 2006, 21 Dec. 2007, 12 Apr. 2010, 11 May 2010, 13 Dec. 2011) **Other information:** Family Background:



From the Ogaden clan, Reer - Abdille subclan. Part of the Al-Itihaad Al-Islamiya (AIAI) (QE.A.2.01.) leadership. Believed to have been involved in the attacks on the United States embassies in Nairobi and Dar es Salaam in August 1998. Also subject to the sanctions measures set out in Security Council resolution 1844 (2008) concerning Somalia and Eritrea (see <http://www.un.org/sc/committees/751/index.shtml>). Review pursuant to Security Council resolution 1822 (2008) was concluded on 13 May 2010.

84. Deleted

85. QI.A.274.10.

**Name:** 1: NASIR 2: 'ABD-AL-KARIM 3: 'ABDULLAH 4: AL-WAHISHI

**Title:** na **Designation:** na **DOB:** a) 1 Oct. 1976 b) 08/10/1396 (Hijri Calendar) **POB:** Yemen **Good quality a.k.a.:** a) Nasir al-Wahishi b) Abu Basir Nasir al-Wahishi c) Naser Abdel Karim al-Wahishi d) Nasir Abd al-Karim al-Wuhayshi e) Abu Basir Nasir Al-Wuhayshi f) Nasser Abdul-karim Abdullah al-Wouhichi g) Abu Baseer al-Wehaishi h) Abu Basir Nasser al-Wuhishi i) Abdul Kareem Abdullah Al-Woohaishi j) Nasser Abdelkarim Saleh Al Wahichi **Low quality a.k.a.:** a) Abu Basir b) Abu Bashir **Nationality:** Yemeni **Passport no.:** Yemeni passport number 40483, issued on 5 Jan. 1997 **National identification no.:** na **Address:** na **Listed on:** 19 Jan. 2010 **Other information:** Since 2007, leader of Al-Qaida in Yemen (AQY). Since Jan. 2009, leader of Al-Qaida in the Arabian Peninsula (QE.A.129.10.) operating in Yemen and Saudi Arabia. His deputy is Said Ali alShihri (QI.A.275.10.). Associated with senior Al-Qaida (QE.A.4.01.) leadership, claims he was secretary to Usama Bin Laden (QI.B.8.01.) prior to 2003. Arrested in Iran and extradited to Yemen in 2003, where he escaped from prison in 2006 and remains fugitive as at Jan. 2010. INTERPOL Orange Notice (file #2009/52/OS/CCC, #75) has been issued for him.

86. QI.A.15.01.

**Name:** 1: MAHFOUZ 2: OULD 3: AL-WALID 4: na

**Title:** na **Designation:** na **DOB:** 1 Jan. 1975 **POB:** Mauritania **Good quality a.k.a.:** a) Abu Hafs the Mauritanian b) Khalid Al-Shanqiti c) Mafouz Walad Al-Walid **Low quality a.k.a.:** na **Nationality:** Mauritanian **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 6 Oct. 2001 (amended on

1 Jun. 2007, 10 Jun. 2011) **Other information:** Review pursuant to Security Council resolution 1822 (2008) was concluded on 15 Jun. 2010.

87.

QI.A.104.03.

**Name:** 1: NAJIB 2: BEN MOHAMED 3: BEN SALEM 4: AL-WAZ

**Title:** na **Designation:** na **DOB:** 12 Apr. 1960 **POB:** Al Haka'imah, Governorate of Mahdia, Tunisia **Good quality a.k.a.:** a) Ouaz Najib b) Ouaz Nagib **Low quality a.k.a.:** na **Nationality:** Tunisian **Passport no.:** Tunisian passport number K815205, issued on 17 Sep. 1994, expired on 16 Sep. 1999 **National identification no.:** na **Address:** Via Tovaglie Number 26, Bologna, Italy **Listed on:** 25 Jun. 2003 (amended on 20 Dec. 2005, 17 Oct. 2007, 16 Sep. 2008, 16 May 2011) **Other information:** Mother's name is Salihah Amir. Inadmissible to the Schengen area. Review pursuant to Security Council resolution 1822 (2008) was concluded on 22 Apr. 2010.

88.

QI.A.6.01.

**Name:** 1: AIMAN 2: MUHAMMED 3: RABI 4: AL-ZAWAHIRI **Title:** a) Doctor b) Dr. **Designation:** na **DOB:** 19 Jun. 1951 **POB:** Giza, Egypt **Good quality a.k.a.:** a) Ayman Al-Zawahiri b) Ahmed Fuad Salim c) Al Zawahry Aiman Mohamed Rabi Abdel Muaz d) Al Zawahiri Ayman e) Abdul Qader Abdul Aziz Abdul Moez Al Doctor f) Al Zawahry Aiman Mohamed Rabi g) Al Zawahry Aiman Mohamed Rabie h) Al Zawahry Aiman Mohamed Robi i) Dhawahri Ayman j) Eddaouahiri Ayman k) Nur Al Deen Abu Mohammed l) Ayman Al Zawahiri m) Ahmad Fuad Salim **Low quality a.k.a.:** a) Abu Fatma b) Abu Mohammed **Nationality:** Egyptian **Passport no.:** a) Egyptian Passport number 1084010 b) Passport number 19820215 **National identification no.:** na **Address:** na **Listed on:** 25 Jan. 2001 (amended on 2 Jul. 2007, 18 Jul. 2007, 13 Aug. 2007, 16 Dec. 2010) **Other information:** Former operational and military leader of Egyptian Islamic Jihad (Q.E.A.3.01), now a close associate of Usama Bin Laden (Q.I.B.8.01). Believed to be in the Afghanistan/Pakistan border area. Review pursuant to Security Council resolution 1822 (2008) was concluded on 21 Jun. 2010.

89. QI.A.156.04.  
**Name:** 1: ABD-AL-MAJID 2: AZIZ 3: AL-ZINDANI 4: na  
**Title:** Sheikh **Designation:** na **DOB:** 1950 **POB:** Yemen **Good quality a.k.a.:** a) Abdelmajid Al-Zindani b) Shaykh 'Abd Al-Majid Al-Zindani c) Sheikh Abd Al-Meguid Al-Zandani **Low quality a.k.a.:** na **Nationality:** Yemeni **Passport no.:** Yemeni passport number A005487, issued on 13 Aug. 1995 **National identification no.:** na **Address:** P.O. Box 8096, Sana'a, Yemen **Listed on:** 27 Feb. 2004 (amended on 25 Jul. 2006, 10 Jun. 2011) **Other information:** Review pursuant to Security Council resolution 1822 (2008) was concluded on 2 Jun. 2010.
90. QI.A.152.03.  
**Name:** 1: SAIFI 2: AMMARI 3: na 4: na  
**Title:** na **Designation:** na **DOB:** a) 1 Jan. 1968 b) 24 Apr. 1968 **POB:** a) Kef Rih, Algeria b) Guelma, Algeria **Good quality a.k.a.:** a) El Para (combat name) b) Abderrezak Le Para c) Abou Haidara d) El Ourassi e) Abderrezak Zaimeche f) Abdul Rasak ammane Abu Haidra g) Abdalarak **Low quality a.k.a.:** na **Nationality:** Algerian **Passport no.:** na **National identification no.:** na **Address:** Algeria **Listed on:** 4 Dec. 2003 (amended on 7 Apr. 2008, 16 May 2011) **Other information:** In detention in Algeria since Oct. 2004. Former member of the GSPC listed as The Organization of Al-Qaida in the Islamic Maghreb (Q.E.T.14.01). Review pursuant to Security Council resolution 1822 (2008) was concluded on 27 Jul. 2010.
91. QI.A.216.06.  
**Name:** 1: ABDULLAH 2: ANSHORI 3: na 4: na  
**Title:** na **Designation:** na **DOB:** 1958 **POB:** Pacitan, East Java, Indonesia **Good quality a.k.a.:** a) Abu Fatih b) Thoyib, Ibnu c) Toyib, Ibnu d) Abu Fathi **Low quality a.k.a.:** na **Nationality:** Indonesian **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 21 April 2006 **Other information:** na

92. QI.B.62.02.  
**Name:** 1: MOHAMED 2: AOUANI 3: na 4: na  
**Title:** na **Designation:** na **DOB:** 5 Feb. 1970 **POB:** Tunis, Tunisia **Good quality a.k.a.:** a) Lased Ben Heni, born 5 Feb. 1969 in Tripoli, Libyan Arab Jamahiriya b) Al-As'ad Ben Hani, born 5 Feb. 1969 in Tripoli, Libyan Arab Jamahiriya c) Mohamed Ben Belgacem Awani **Low quality a.k.a.:** a) Mohamed Abu Abda b) Abu Obeida **Nationality:** Tunisian **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 24 Apr. 2002 (amended on 26 Nov. 2004, 9 Sep. 2005, 31 Jul. 2006, 23 Dec. 2010) **Other information:** Professor of Chemistry. Deported from Italy to Tunisia on 27 Aug. 2006. Review pursuant to Security Council resolution 1822 (2008) was concluded on 22 Apr. 2010.
93. QI.A.184.05.  
**Name:** 1: MUHSIN 2: FADHIL 3: AYED 4: ASHOUR AL-FADHLI  
**Title:** na **Designation:** na **DOB:** 24 Apr. 1981 **POB:** Kuwait **Good quality a.k.a.:** a) Muhsin Fadhil 'Ayyid al Fadhli b) Muhsin Fadil Ayid Ashur al Fadhli c) Abu Majid Samiyah d) Abu Samia **Low quality a.k.a.:** na **Nationality:** Kuwaiti **Passport no.:** a) Kuwaiti passport number 106261543 b) Kuwaiti passport number 1420529 issued in Kuwait and expired on 31 Mar. 2006 **National identification no.:** na **Address:** Block Four, Street 13, House #179 Kuwait City, Al-Riqqa area, Kuwait **Listed on:** 17 Feb. 2005 (amended on 23 Jul. 2008) **Other information:** Wanted by the Kuwaiti Security Authorities. Fugitive as of Jul. 2008.
94. QI.A.265.08.  
**Name:** 1: HAJI 2: MUHAMMAD 3: ASHRAF 4: na  
**Title:** na **Designation:** na **DOB:** 1 Mar. 1965 **POB:** na **Good quality a.k.a.:** Haji M. Ashraf **Low quality a.k.a.:** na **Nationality:** Pakistani **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 10 Dec. 2008 (amended on 17 Jul. 2009) **Other information:** Chief of finance of Lashkar-e-Tayyiba (Q.E.L.118.05.). His father's name is Noor Muhammad.
95. Deleted
96. QI.D.42.01.  
**Name:** 1: HASSAN 2: DAHIR 3: AWEYS 4: na  
**Title:** a) Sheikh b) Colonel **Designation:** na **DOB:** 1935 **POB:**

Somalia **Good quality a.k.a.:** **a)** Ali, Sheikh Hassan Dahir Aweys **b)** Awes, Shaykh Hassan Dahir **c)** Hassen Dahir Aweyes **d)** Ahmed Dahir Aweys **e)** Mohammed Hassan Ibrahim **f)** Aweys Hassan Dahir **g)** Hassan Tahir Oais **h)** Hassan Tahir Uways **i)** Hassan Dahir Awes **Low quality a.k.a.:** **a)** Sheikh Aweys **b)** Sheikh Hassan **c)** Sheikh Hassan Dahir Aweys **Nationality:** Somali **Passport no.:** na **National identification no.:** na **Address:** **a)** Somalia **b)** Also reported to be in Eritrea as of Nov. 2007 **Listed on:** 9 Nov. 2001 (amended on 21 Dec. 2007, 11 May 2010, 16 May 2011) **Other information:** Family background: from the Hawiye's Habergidir, Ayr clan. Senior leader of Al-Itihaad Al-Islamiya (AIAI) (QE.A.2.01.) and Hizbul Islam in Somalia. Since 12 April 2010, also subject to the sanctions measures set out in Security Council resolution 1844 (2008) concerning Somalia and Eritrea (see <http://www.un.org/sc/committees/751/index.shtml>). Review pursuant to Security Council resolution 1822 (2008) was concluded on 22 Jun. 2010.

97. QI.A.248.08.

**Name:** 1: RICARDO 2: PEREZ 3: AYERAS 4: na

**Title:** na **Designation:** na **DOB:** 15 Sep. 1973 **POB:** 24 Paraiso Street, Barangay Poblacion, Mandaluyong City, Philippines **Good quality A.k.a.:** **a)** Abdul Kareem Ayeras **b)** Abdul Karim Ayeras **Low quality A.k.a.:** **a)** Ricky Ayeras **b)** Jimboy **c)** Isaac Jay Galang Perez **d)** Abdul Mujib **Nationality:** Filipino **Passport no.:** na **National identification no.:** na **Address:** **a)** Barangay Mangayao, Tagkawayan, Quezon, Philippines **b)** Barangay Tigib, Ayungon, Negros Oriental, Philippines **Listed on:** 4 Jun. 2008 (amended on 13 Dec. 2011) **Other information:** Member of the Rajah Solaiman Movement (QE.R.128.08.). Arrested by the Philippines authorities on 14 Mar. 2011. Review pursuant to Security Council resolution 1822 (2008) was concluded on 13 May 2010.

97a. QI.B.305.12.

**Name:** 1: ABDUL 2: ROSYID 3: RIDHO 4: BA'ASYIR

**Title:** na **Designation:** na **DOB:** 31 Jan. 1974 **POB:** Sukoharjo, Indonesia **Good quality a.k.a.:** **a)** Abdul Rosyid Ridho Bashir **b)** Rashid Rida Ba'aysir **c)** Rashid Rida Bashir **Low quality a.k.a.:** na **Nationality:** Indonesian **Passport no.:** na **National identification no.:** Indonesian National Identity Card number

1127083101740003 under name Abdul Rosyid Ridho Ba'asyir  
**Address:** Podok Pesantren AL Wayain Ngrandu, Sumber Agung Magetan, East Java, Indonesia **Listed on:** 12 Mar. 2012  
**Other information:** Father's name is Abu Bakar Ba'asyir (QI.B.217.06). Brother of Abdul Rahim Ba'aysir (QI.B.293.11). Belongs to the leadership of and is involved in recruitment and fundraising for Jemmah Anshorut Tauhid (JAT) (QEj.133.12.) Associated with Jemaah Islamiyah (QEj.92.02).

98. QI.B.217.06.

**Name:** 1: ABU BAKAR 2: BA'ASYIR 3: na 4: na

**Title:** na **Designation:** na **DOB:** 17 August 1938 **POB:** Jombang, East Java, Indonesia **Good quality a.k.a.:** a) Baasyir, Abu Bakar b) Bashir, Abu Bakar c) Abdus Samad d) Abdus Somad **Low quality a.k.a.:** na **Nationality:** Indonesian **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 21 April 2006 **Other information:** na

99. QI.B.293.11.

**Name:** 1: ABDUL RAHIM 2: BA'AYSIR 3: na 4: na

**Title:** na **Designation:** na **DOB:** a) 16 Nov. 1977 b) 16 Nov. 1974 **POB:** a) Solo, Indonesia b) Sukoharjo, Central Java, Indonesia **Good quality a.k.a.:** a) Abdul Rahim Bashir b) 'Abd Al-Rahim Ba'asyir c) 'Abd Al-Rahim Bashir d) Abdurrahim Ba'asyir e) Abdurrahim Bashir f) Abdul Rachim Ba'asyir g) Abdul Rachim Bashir h) Abdul Rochim Ba'asyir i) Abdul Rochim Bashir j) Abdurochim Ba'asyir k) Abdurochim Bashir l) Abdurrochim Ba'asyir m) Abdurrochim Bashir n) Abdurrahman Ba'asyir o) Abdurrahman Bashir **Low quality a.k.a.:** na **Nationality:** Indonesian **Passport no.:** na **National identification no.:** na **Address:** Indonesia **Listed on:** 19 Jul. 2011 **Other information:** Senior Jemaah Islamiyah (QEj.92.02.) leader. Father's name is Abu Bakar Ba'asyir (QI.B.217.06.).

100. Deleted

101. QI.B.80.02.

**Name:** 1: SAID 2: BAHAJI 3: na 4: na

**Title:** na **Designation:** na **DOB:** 15 Jul. 1975 **POB:** Haselünne, Lower Saxony, Germany **Good quality a.k.a.:** Zouheir Al Maghribi **Low quality a.k.a.:** a) Mohamed Abbattay b) Abderrahmane Al Maghribi **Nationality:** a) German b) Moroccan **Passport no.:** a) Provisional German **Passport no.:** 28642163 (issued by the city of Hamburg) b) Moroccan passport number 954242

issued on 28 June 1995 in Meknas, Morocco (expired)  
**National identification no.:** BPA Nr. 1336597587 **Address:** Formerly resident at: Bunatwiete 23, 21073 Hamburg, Germany  
**Listed on:** 30 Sep. 2002 (amended on 26 Nov. 2004, 9 Sep. 2005, 2 Jul. 2007, 23 Dec. 2010) **Other information:** Deputy Head of the Media Committee of Al-Qaida (QE.A.4.01) as at Apr. 2010. German authorities issued an arrest warrant for him on 21 Sep. 2001. Believed to be in the Afghanistan/Pakistan border area. Review pursuant to Security Council resolution 1822 (2008) was concluded on 20 May 2010.

102. QI.B.266.08.

**Name:** 1: MAHMOUD 2: MOHAMMAD 3: AHMED 4: BAHAZIQ

**Title:** na **Designation:** na **DOB:** a) 17 Aug. 1943 b) 1943 c) 1944 **POB:** India **Good quality a.k.a.:** a) Bahaziq Mahmoud b) Abu Abd al-<sup>ʿ</sup>Aziz c) Abu Abdul Aziz d) Shaykh Sahib **Low quality a.k.a.:** na **Nationality:** Saudi Arabian **Passport no.:** na **National identification no.:** Saudi Arabian national identification number 4-6032-0048-1 **Address:** na **Listed on:** 10 Dec. 2008 **Other information:** Financier of Lashkar-e-Tayyiba (listed under permanent reference number QE.L.118.05). Has served as the leader of Lashkar-e-Tayyiba in Saudi Arabia.

102a. QI.B.311.12.

**Name:** 1: AYYUB 2: BASHIR 3: na 4: na

**Title:** a) Qari b) Alhaj **Designation:** na **DOB:** a) 1966 b) 1964 c) 1969 d) 1971 **POB:** na **Good quality a.k.a.:** a) Alhaj Qari Ayub Bashar b) Qari Muhammad Ayub **Low quality a.k.a.:** na **Nationality:** a) Uzbek b) Afghan **Passport no.:** na **National identification no.:** na **Address:** Mir Ali, North Waziristan Agency, Federal Administered Tribal Areas, Pakistan **Listed on:** 18 October 2012. **Other information:** Member of leadership council as of early 2010 and head of finance for the Islamic Movement of Uzbekistan (QE.I.10.01). Coordinated financial and logistical support for the Islamic Movement of Uzbekistan in Afghanistan and Pakistan between 2009-2012. Transferred and delivered funds to Fazal Rahim (QI.R.303.12).

103. QI.B.55.01.

**Name:** 1: MAHMOOD 2: SULTAN 3: BASHIR-UD-DIN 4: na

**Title:** na **Designation:** na **DOB:** a) 1937 b) 1938 c) 1939 d) 1940

e) 1941 f) 1942 g) 1943 h) 1944 i) 1945 **POB:** na **Good quality a.k.a.:** a) Mahmood, Sultan Bashiruddin b) Mehmood, Dr. Bashir Uddin c) Mekmud, Sultan Baishiruddin **Low quality a.k.a.:** na **Nationality:** Pakistani **Passport no.:** na **National identification no.:** na **Address:** Street 13, Wazir Akbar Khan, Kabul, Afghanistan **Listed on:** 24 Dec. 2001 **Other information:** na

104. Deleted

105. QI.B.279.10.

**Name:** 1: MOHAMED 2: BELKALEM 3: na 4: na

**Title:** na **Designation:** na **DOB:** 19 Dec. 1969 **POB:** Hussein Dey, Algiers, Algeria **Good quality a.k.a.:** na **Low quality a.k.a.:** a) Abdelali Abou Dher b) El Harrachi **Nationality:** Al-

gerian **Passport no.:** na **National identification no.:** na **Address:** Mali **Listed on:** 22 Apr. 2010 **Other information:** Convicted in absentia by Algerian tribunal on 28 Mar. 1996. Algerian international arrest warrant number 03/09 of 6 Jun. 2009 issued by the Tribunal of Sidi Mhamed, Algiers, Algeria. Algerian extradition request number 2307/09 of 3 Sep. 2009, presented to Malian authorities. INTERPOL File No. 19231/2009 of 26 June 2009; Control No. A-1819/6-2009. Father's name is Ali Belkalem. Mother's name is Fatma Saadoudi. Member of The Organization of Al-Qaida in the Islamic Maghreb (Q.E.T.14.01.)



106. QI.B.136.03.  
**Name:** 1: MOKHTAR 2: BELMOKHTAR 3: na 4: na  
**Title:** na **Designation:** na **DOB:** 1 Jun. 1972 **POB:** Ghardaia, Algeria **Good quality a.k.a.:** a) Abou Abbes Khaled b) Belaouer Khaled Abou El Abass c) Belaouer Khaled Abou El Abass d) Belmokhtar Khaled Abou El Abes e) Khaled Abou El Abass f) Khaled Abou El Abbes g) Khaled Abou El Abes h) Khaled Abulabbas Na Oor i) Mukhtar Belmukhtar **Low quality a.k.a.:** a) Belaoua b) Belaour **Nationality:** Algerian **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 11 Nov. 2003 (amended on 12 Apr. 2006, 2 Jul. 2007, 7 Apr. 2008, 25 Jan. 2010, 16 May 2011) **Other information:** Father's name is Mohamed. Mother's name is Zohra Chemkha. Member of the Council of The Organization of Al-Qaida in the Islamic Maghreb (QE.T.14.01) (AQIM). Head of Katibat el Moulathamoune active in AQIM's 4th region (Sahel/Sahara). Review pursuant to Security Council resolution 1822 (2008) was concluded on 30 Jul. 2009.
107. QI.B.69.02.  
**Name:** 1: NABIL 2: BEN MOHAMED 3: BEN ALI 4: BEN ATTIA  
**Title:** na **Designation:** na **DOB:** 11 May 1966 **POB:** Tunis, Tunisia **Good quality a.k.a.:** na **Low quality a.k.a.:** Abu Salim **Nationality:** Tunisian **Passport no.:** Tunisian passport number L289032, issued on 22 Aug. 2001, expires on 21 Aug. 2006 **National identification no.:** na **Address:** Via Val Bavona, Number 1, Milan, Italy **Listed on:** 3 Sep. 2002 (amended on 20 Dec. 2005, 31 Jul. 2006, 23 Dec. 2010) **Other information:** Review pursuant to Security Council resolution 1822 (2008) was concluded on 21 Jun. 2010.
108. QI.B.162.04.  
**Name:** 1: ABDELHADI 2: BEN DEBKA 3: na 4: na  
**Title:** na **Designation:** na **DOB:** 17 Nov. 1963 **POB:** Algiers, Algeria **Good quality a.k.a.:** a) L'Hadi Bendebka b) El Hadj ben Debka **Low quality a.k.a.:** a) Abd al Hadi b) Hadi **Nationality:** Algerian **Passport no.:** na **National identification no.:** na **Address:** Algeria **Listed on:** 17 Mar. 2004 (amended on 26 Nov. 2004, 21 Dec. 2007, 7 Apr. 2008, 2 Dec. 2008, 25 Jan. 2010, 16 May 2011) **Other information:** Deported from Italy to Algeria on 13 Sep. 2008. Review pursuant to Security Council resolu-

tion 1822 (2008) was concluded on 28 Sep. 2009.

109. QI.B.68.02.

**Name:** 1: ADEL 2: BEN AL-AZHAR 3: BEN YOUSSEF 4: BEN SOLTANE

**Title:** na **Designation:** na **DOB:** 14 Jul. 1970 **POB:** Tunis, Tunisia **Good quality a.k.a.:** na **Low quality a.k.a.:** Zakariya **Nationality:** Tunisian **Passport no.:** Tunisian passport number M408665, issued on 4 Oct. 2000, expired 3 Oct. 2005 **National identification no.:** na **Address:** Tunisia **Listed on:** 3 Sep. 2002 (amended on 20 Dec. 2005, 7 Jun. 2007, 23 Dec. 2010) **Other information:** Italian Fiscal Code: BNSDLA70L14Z352B. Deported from Italy to Tunisia on 28 February 2004. Serving a 12-year prison sentence in Tunisia for membership in a terrorist organization abroad as at Jan. 2010. Review pursuant to Security Council resolution 1822 (2008) was concluded on 21 Jun. 2010.

109a. QI.B.307.12.

**Name:** 1: HAFIZ 2: ABDUL SALAM 3: BHUTTAVI 4: na **Title:** a) Maulavi b) Mullah **Designation:** na **DOB:** 1940 **POB:** Gujranwala, Punjab Province, Pakistan **Good quality a.k.a.:** a) Hafiz Abdul Salam Bhattvi b) Hafiz Abdusalam Budvi c) Hafiz Abdussalaam Bhutvi d) Abdul Salam Budvi e) Abdul Salam Bhattwi f) Abdul Salam Bhutvi g) Mullah Abdul Salaam Bhattvi h) Molvi Abdursalam Bhattvi **Low quality a.k.a.:** na **Nationality:** Pakistani **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 14 Mar. 2012 **Other information:** Founding member of Lashkar-e-Tayyiba (QE.L.118.05.) and deputy to Lashkar-e-Tayyiba leader Hafiz Muhammad Saeed (QI.S.263.08.).

110. QI.B.81.02.

**Name:** 1: RAMZI 2: MOHAMED 3: ABDULLAH 4: BINALSHIBH

**Title:** na **Designation:** na **DOB:** a) 1 May 1972 b) 16 Sep. 1973 **POB:** a) Gheil Bawazir, Hadramawt, Yemen b) Khartoum, Sudan **Good quality a.k.a.:** a) Binalshibh Ramzi Mohammed Abdullah b) Ramzi Binalshib c) Ramzi Mohamed Abdellah Omar Hassan Alassiri d) Binalshibh Ramsi Mohamed Abdullah e) Abu Ubaydah f) 'Umar Muhammad 'Abdallah Ba' Amar g) Binalsheidah, Ramzi Mohamed Abdullah h) Bin Al Shibh, Ramzi i) Omar, Ramzi Mohamed Abdellah j) Mohamed Ali Abdullah Bawazir **Low quality a.k.a.:** a) Binalsheidah, Ramzi

- Mohamed Abdullah **b)** Bin Al Shibh, Ramzi **c)** Omar, Ramzi Mohamed Abdellah **d)** Mohamed Ali Abdallah Bawazir **e)** Binalshibh Ramzi Mohammed Abdullah **f)** Ramzi Binalshib **g)** Ramzi Mohamed Abdellah Omar Hassan Alassiri **h)** Binalshibh Ramsi Mohamed Abdullah **i)** Abu Ubaydah **j)** 'Umar Muhammad 'Abdallah Ba' Amar **Low quality a.k.a.:** Ramzi Omar **Nationality:** Yemeni **Passport no.:** 00085243 issued in Sanaa, Yemen, issued on 17 Nov. 1997 **National identification no.:** na **Address:** na **Listed on:** 30 Sep. 2002 (amended on 26 Nov. 2004, 25 Jul. 2006, 2 Jul. 2007, 27 Jul. 2007, 23 Dec. 2010) **Other information:** Arrested in Karachi, Pakistan, 30 Sep. 2002. In custody of the United States of America, as of May 2010. Review pursuant to Security Council resolution 1822 (2008) was concluded on 25 May 2010.
111. QI.B.8.01.
- Name:** 1: USAMA 2: MUHAMMED 3: AWAD 4: BIN LADEN **Title:** **a)** Shaykh **b)** Hajj **Designation:** na **DOB:** **a)** 30 Jul. 1957 **b)** 28 Jul. 1957 **c)** 10 Mar. 1957 **d)** 1 Jan. 1957 **e)** 1956 **f)** 1957 **POB:** **a)** Jeddah, Saudi Arabia **b)** Yemen **Good quality a.k.a.:** **a)** Usama Bin Laden **b)** Usama Bin Muhammed Bin Awad, Osama Bin Laden **c)** Ben Laden Osama **d)** Ben Laden Ossama **e)** Ben Laden Usama **f)** Bin Laden Osama Mohamed Awdh **g)** Bin Laden Usamah Bin Muhammad **h)** Shaykh Usama Bin Ladin **i)** Usamah Bin Muhammad Bin Ladin **j)** Usama bin Ladin **k)** Osama bin Ladin **l)** Osama bin Muhammad bin Awad bin Ladin **m)** Usama bin Muhammad bin Awad bin Ladin **Low quality a.k.a.:** **a)** Abu Abdallah Abd Al-Hakim **b)** Al Qaqa **Nationality:** na **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 25 Jan. 2001 (amended on 2 Jul. 2007, 16 Dec. 2010, 4 May 2011) **Other information:** Saudi citizenship withdrawn, Afghan nationality given by the Taliban regime. Review pursuant to Security Council resolution 1822 (2008) was concluded on 21 Jun. 2010. Confirmed to have died in Pakistan in May 2011.

112. QI.B.9.01.

**Name:** 1: BILAL 2: BIN MARWAN 3: na 4: na

**Title:** na **Designation:** na **DOB:** 1947 **POB:** na **Good quality a.k.a.:** na **Low quality a.k.a.:** na **Nationality:** na **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 25 Jan. 2001 **Other information:** Senior lieutenant of UBL.

113. QI.B.117.03.

**Name:** 1: ZULKEPLI 2: BIN MARZUKI 3: na 4: na

**Title:** na **Designation:** na **DOB:** 3 Jul. 1968 **POB:** Selangor, Malaysia **Good quality a.k.a.:** na **Low quality a.k.a.:** na **Nationality:** Malaysian **Passport no.:** A 5983063 **National identification no.:** 680703-10-5821 **Address:** Taman Puchong Perdana, State of Selangor, Malaysia **Listed on:** 9 Sep. 2003 (amended on 3 May 2004, 23 Feb. 2009, 10 Aug. 2009, 16 May 2011) **Other information:** Review pursuant to Security Council resolution 1822 (2008) was concluded on 19 Jun. 2009.

113a. QI.B.310.12.

**Name:** 1: SON 2: HADI 3: BIN MUHADJIR 4: na

**Title:** na **Designation:** na **DOB:** 12 May 1971 **POB:** Pasuran, East Java, Indonesia **Good quality a.k.a.:** a) Son Hadi bin Muhadjir b) Son bn Hadi Muhadjir c) Son Hadi bin Mujahir **Low quality a.k.a.:** na **Nationality:** Indonesian **Passport no.:** Indonesian passport number R057803 under name Son bn Hadi Muhadjir **National identification no.:** Indonesian National Identity Card number 3514131205710004 under name Son Hadi **Address:** Jalan Raya, Gongdanglegi, RT/RW 1/13 Cangkring Malang, Beji, Pasuran 67154, East Java, Indonesia **Listed on:** 13 Apr. 2012 **Other information:** Spokesperson and director of Media Center of Jemmah Anshorut Tauhid (JAT) (QE.J.133.12). Associated with Mochammad Achwan (QI.A.304.12.) and Jemaah Islamiyah (QE.J.92.02.).

114. QI.B.63.02.

**Name:** 1: AL-MOKHTAR 2: BEN MOHAMED 3: BEN ALMOKHTAR 4: BOUCHOUCHA

**Title:** na **Designation:** na **DOB:** 13 Oct. 1969 **POB:** Tunis, Tunisia **Good quality a.k.a.:** Bushusha, Mokhtar **Low quality a.k.a.:** na **Nationality:** Tunisian **Passport no.:** Tunisian passport number K754050, issued on 26 May 1999, expired on 25 May 2004 **National identification no.:** 04756904, issued on 14 Sep. 1984 **Address:** Via Milano Number 38, Spinadesco,

- (CR), Italy **Listed on:** 24 Apr. 2002 (amended on 10 Apr. 2003, 26 Nov. 2004, 20 Dec. 2005, 7 Jun. 2007, 23 Dec. 2010) **Other information:** Italian Fiscal Code: BCHMHT69R13Z352T. Mother's name is Hedia Bannour. Review pursuant to Security Council resolution 1822 (2008) was concluded on 22 Apr. 2010.
115. QI.B.188.05.  
**Name:** 1: FAYCAL 2: BOUGHANEMI 3: na 4: na  
**Title:** na **Designation:** na **DOB:** 28 Oct. 1966 **POB:** Tunis, Tunisia **Good quality A.k.a.:** a) Faical Boughanmi b) Faysal alBughanimi **Low quality A.k.a.:** na **Nationality:** Tunisian **Passport no.:** na **National identification no.:** na **Address:** Number 5/B viale Cambonino, Cremona, Italy **Listed on:** 29 Jul. 2005 (amended on 7 Jun. 2007, 10 Aug. 2009, 1 Sep. 2009, 13 Dec. 2011) **Other information:** Italian Fiscal code: BGHFCL66R28Z352G. Sentenced to 7 years imprisonment in Italy on 29 Jun. 2007 by the Brescia Second Appeals Court. In detention in Italy as at Jun. 2009. Review pursuant to Security Council resolution 1822 (2008) was concluded on 20 Jul. 2009.
116. QI.B.143.03.  
**Name:** 1: HAMADI 2: BEN ABDUL AZIZ 3: BEN ALI 4: BOUYEHIA  
**Title:** na **Designation:** na **DOB:** 29 May 1966 **POB:** Tunis, Tunisia **Good quality a.k.a.:** a) Gamel Mohamed, born 25 May 1966 in Morocco b) Abd el Wanis Abd Gawwad Abd el Latif Bahaa, born 9 May 1986 in Egypt **Low quality a.k.a.:** Mahmoud Hamid **Nationality:** Tunisian **Passport no.:** Tunisian passport number L723315, issued on 5 May 1998, expired on 4 May 2003 **National identification no.:** na **Address:** Corso XXII Marzo Number 39, Milan, Italy **Listed on:** 12 Nov. 2003 (amended on 20 Dec. 2005, 31 Jul. 2006, 30 Jan. 2009, 16 May 2011) **Other information:** In prison in Italy until 28 Jul. 2011. Review pursuant to Security Council resolution 1822 (2008) was concluded on 21 Jun. 2010.
117. Deleted
118. Deleted
- 118a. QI.C.312.12.  
**Name:** 1: AAMIR 2: ALI 3: CHAUDHRY 4: na  
**Title:** na **Designation:** na **DOB:** 3 Aug. 1986 **POB:** na **Good quality a.k.a.:** a) Aamir Ali Chaudary b) Aamir Ali Choudry c) Amir Ali Chaudry **Low quality a.k.a.:** Huzaiifa **Nationality:** Pakistani **Passport no.:** Pakistani passport number BN 4196361

issued on 28 Oct. 2008, expiring 27 Oct. 2013 **National identification no.:** Pakistani national identity card number 33202-7126636-9 **Address:** na **Listed on:** 18 October 2012 **Other information:** Electronics and explosives expert for Tehrik-e Taliban Pakistan (TTP) (QE.T.132.11). Involved in attack planning for TTP. Provided financial and logistical support for TTP and participated in TTP-sponsored militant training.

119. Q.I.C.70.02.

**Name:** 1: YASSINE 2: CHEKKOURI 3: na 4: na

**Title:** na **Designation:** na **DOB:** 6 Oct. 1966 **POB:** Safi, Morocco **Good quality a.k.a.:** na **Low quality a.k.a.:** na **Nationality:** Moroccan **Passport no.:** Moroccan passport number F46947 **National identification no.:** Moroccan national identity card H-135467 **Address:** 7th Street, Number 7, Hay Anas Safi, Morocco **Listed on:** 3 Sep. 2002 (amended on 7 Jun. 2007, 23 Dec. 2010) **Other information:** Mother's name is Feue Hlima Bent Barka and father's name is Abderrahmane Mohammed Ben Azzouz. Deported from Italy to Morocco on 26 Feb. 2004. Review pursuant to Security Council resolution 1822 (2008) was concluded on 21 Jun. 2010.

119a. Q.I.C.300.12.

**Name:** 1: MONIR 2: CHOUKA 3: na 4: na

**Title:** na **Designation:** na **DOB:** 30 Jul. 1981 **POB:** Bonn, Germany **Good quality a.k.a.:** na **Low quality a.k.a.:** Abu Adam **Nationality:** a) German b) Moroccan **Passport no.:** German passport number 5208323009 issued in Stadt Bonn, Germany, issued on 2 Feb. 2007, expires on 1 Feb. 2012 **National identification no.:** German national identity card number 5209530116 issued in Stadt Bonn, Germany, issued on 21 Jun. 2006, expired on 20 Jun. 2011 **Address:** Ungartenstrasse 6, Bonn, 53229, Germany, (previous) **Listed on:** 25 Jan. 2012 **Other information:** Associated with Islamic Movement of Uzbekistan (QE.I.10.01.). Brother of Yassin Chouka (Q.I.C.301.12.) Arrest warrant issued by the investigating judge of the German Federal Court of Justice on 5 Oct. 2010.

119b. Q.I.C.301.12.

**Name:** 1: YASSIN 2: CHOUKA 3: na 4: na

**Title:** na **Designation:** na **DOB:** 11 Dec. 1984 **POB:** Bonn, Germany **Good quality a.k.a.:** na **Low quality a.k.a.:** Abu Ibraheem **Nationality:** a) German b) Moroccan **Passport no.:** German

- passport number 5204893014 issued in Stadt Bonn, Germany, issued on 5 Oct. 2000, expired on 5 Oct. 2005 **National identification no.:** German national identity card number 5209445304 issued in Stadt Bonn, Germany, issued on 5 Sep. 2005, expired on 4 Sep. 2010 **Address:** Karl-Barth-Strasse 14, Bonn, 53129, Germany, (previous) **Listed on:** 25 Jan. 2012 **Other information:** Associated with Islamic Movement of Uzbekistan (QE.I.10.01). Brother of Monir Chouka (Q.I.C.300.12.). Arrest warrant issued by the investigating judge of the German Federal Court of Justice on 5 Oct. 2010.
120. QI.C.141.03.  
**Name:** 1: MAXAMED 2: CABDULLAAH 3: CIISE 4: na  
**Title:** na **Designation:** na **DOB:** 8 Oct. 1974 **POB:** Kismaayo, Somalia **Good quality a.k.a.:** a) Maxamed Cabdullaahi Ciise b) Maxammed Cabdullaahi c) Cabdullah Mayamed Ciise **Low quality a.k.a.:** na **Nationality:** Somali **Passport no.:** na **National identification no.:** United Kingdom identification number PX910063D **Address:** Somalia **Listed on:** 12 Nov. 2003 (amended on 9 Sep. 2005, 30 Jan. 2009, 20 Apr. 2009, 21 Oct. 2010) **Other information:** Present in Somalia as of Apr. 2009 following transfer from United Kingdom. Review pursuant to Security Council resolution 1822 (2008) was concluded on 21 Jun. 2010.
121. QI.M.146.03.  
**Name:** 1 MOHAMMED 2: DAKI 3: na 4: na  
**Title:** na **Designation:** na **DOB:** 29 Mar. 1965 **POB:** Casablanca, Morocco **Good quality a.k.a.:** na **Low quality a.k.a.:** na **Nationality:** Moroccan **Passport no.:** a) Moroccan passport number G 482731 b) Moroccan passport number L446524 **National identification no.:** Moroccan National Identity Card number BE-400989 **Address:** Casablanca, Morocco **Listed on:** 12 Nov. 2003 (amended on 7 Jun. 2007, 16 May 2011) **Other information:** Father's name is Lahcen. Mother's name is Izza Brahim. Deported from Italy to Morocco on 10 December 2005. Review pursuant to Security Council resolution 1822 (2008) was concluded on 21 Jun. 2010.
122. QI.D.26.01.  
**Name:** 1: MAMOUN 2: DARKAZANLI 3: na 4: na  
**Title:** na **Designation:** na **DOB:** 4 Aug. 1958 **POB:** Damascus, Syrian Arab Republic **Good quality a.k.a.:** na **Low quality a.k.a.:** a) Abu Ilyas b) Abu Ilyas Al Suri c) Abu Luz d) Abu Al

Loh **e)** Abu Ylias **Nationality:** **a)** Syrian **b)** German **Passport no.:** German passport number 1310636262, expired on 29 Oct. 2005 **National identification no.:** German identity card number 1312072688, expired on 29 Oct. 2005 **Address:** Uhlenhorster Weg 34, Hamburg, 22085 Germany **Listed on:** 17 Oct. 2001 (amended on 10 Apr. 2003, 26 Nov. 2004, 2 Jul. 2007, 16 Dec. 2010) **Other information:** Father's name is Mohammed Darkazanli. Mother's name is Nur Al-Huda Sheibani Altgelbi. Review pursuant to Security Council resolution 1822 (2008) was concluded on 15 Jun. 2010.

123. Deleted

124. Deleted

125. Q.I.D.252.08.

**Name:** 1: AHMED 2: DEGHDEGH 3: na 4: na

**Title:** na **Designation:** na **DOB:** 17 Jan. 1967 **POB:** Anser, Wilaya (province) of Jijel, Algeria **Good quality a.k.a.:** **a)** Abd El Illah **b)** Abdellillah dit Abdellah Ahmed dit Said **Low quality a.k.a.:** na **Nationality:** Algerian **Passport no.:** na **National identification no.:** na **Address:** Algeria **Listed on:** 3 Jul. 2008 (amended on 24 Mar. 2009) **Other information:** Belongs to the leadership and is the finance chief of the Organization of AlQaida in the Islamic Maghreb ( Q.E.T.14.01.). Mother's name is Zakia Chebira. Father's name is Lakhdar.

126. Q.I.D.246.08.

**Name:** 1: REDENDO 2: CAIN 3: DELLOSA 4: na

**Title:** na **Designation:** na **DOB:** 15 May 1972 **POB:** Punta, Santa Ana, Manila, Philippines **Good quality A.k.a.:** **a)** Abu Ilonggo **b)** Brandon Berusa **c)** Abu Muadz **d)** Arnulfo Alvarado **e)** Habil Ahmad Dellosa **Low quality A.k.a.:** **a)** Dodong **b)** Troy **c)** Uthman **Nationality:** Filipino **Passport no.:** na **National identification no.:** na **Address:** 3111, Ma. Bautista, Punta, Santa Ana, Manila, Philippines **Listed on:** 4 Jun. 2008 (amended on 3 Jun. 2009, 13 Dec. 2011) **Other information:** Member of the Rajah Solaiman Movement (Q.E.R.128.08.) and linked to the Abu Sayyaf Group (Q.E.A.1.01.). Father's name is Fernando Rafael Dellosa. Mother's name is Editha Parado Cain. In detention in the Philippines as of Jan. 2010. Review pursuant to Security Council resolution 1822 (2008) was concluded on 13 May 2010.

127. Q.I.D.243.08.



- Name:** 1: FELICIANO 2: SEMBORIO 3: DELOS REYES JR. 4: na  
**Title:** Ustadz **Designation:** na **DOB:** 4 Nov. 1963 **POB:** Arco, Lamitan, Basilan, Philippines **Good quality A.k.a.:** a) Abubakar Abdillah b) Abdul Abdillah **Low quality A.k.a.:** na **Nationality:** Filipino **Passport no.:** na **National identification no.:** na **Address:** Philippines **Listed on:** 4 Jun. 2008 (amended on 3 Jun. 2009, 13 Dec. 2011) **Other information:** Member of the Rajah Solaiman Movement (QE.R.128.08.). Father's name is Feliciano Delos Reyes Sr. Mother's name is Aurea Semborio. In detention in the Philippines as of May 2011. Review pursuant to Security Council resolution 1822 (2008) was concluded on 13 May 2010.
128. QI.D.164.04.  
**Name:** 1: OTHMAN 2: DERAMCHI 3: na 4: na  
**Title:** na **Designation:** na **DOB:** 7 Jun. 1954 **POB:** Tighennif, Algeria **Good quality a.k.a.:** na **Low quality a.k.a.:** Abou Youssef **Nationality:** Algerian **Passport no.:** na **National identification no.:** na **Address:** Algeria **Listed on:** 17 Mar. 2004 (amended on 26 Nov. 2004, 21 Dec. 2007, 2 Dec. 2008, 3 Jun. 2009, 25 Jan. 2010, 16 May 2011) **Other information:** Italian Fiscal Code DRMTMN54H07Z301T. Deported from Italy to Algeria on 22 Aug. 2008. Father in law of Djamel Lounici (QI.L.155.04). Review pursuant to Security Council resolution 1822 (2008) was concluded on 28 Sep. 2009.
129. QI.D.245.08.  
**Name:** 1: PIO 2: ABOGNE 3: DE VERA 4: na  
**Title:** na **Designation:** na **DOB:** 19 Dec. 1969 **POB:** Bagac, Bagamanok, Catanduanes, Philippines **Good quality A.k.a.:** Ismael De Vera **Low quality A.k.a.:** a) Khalid b) Ismael c) Ismail d) Manex e) Tito Art f) Dave g) Leo **Nationality:** Filipino **Passport no.:** na **National identification no.:** na **Address:** Concepcion, Zaragosa, Nueva Ecija, Philippines **Listed on:** 4 Jun. 2008 (amended on 3 Jun. 2009, 13 Dec. 2011) **Other information:** Member of the Rajah Solaiman Movement (QE.R.128.08.), Abu Sayyaf Group (QE.A.1.01.) and Jemaah Islamiyah (QE.J.92.02.). Father's name is Honorio Devera. Mother's name is Fausta Abogne. In detention in the Philippines as of May 2011. Review pursuant to Security Council resolution 1822 (2008) was concluded on 13 May 2010.
130. QI.D.167.04.

**Name:** 1: KAMEL 2: DJERMANE 3: na 4: na

**Title:** na **Designation:** na **DOB:** 12 Oct. 1965 **POB:** Oum el Bouaghi, Algeria **Good quality A.k.a.:** a) Bilal b) Adel c) Fo-dhil d) Abou Abdeljalil **Low quality A.k.a.:** na **Nationality:** Algerian **Passport no.:** na **National identification no.:** na **Address:** Algeria **Listed on:** 3 May 2004 (amended on 7 Apr. 2008, 13 Dec. 2011) **Other information:** In detention in Algeria as at April 2010.7 Arrest warrant issued by the German authorities on 9 Oct. 2003 for involvement in kidnapping. Former member of

the Katibat Tarek Ibn Ziad of The Organization of Al-Qaida in the Islamic Maghreb (QE.T.14.01). Review pursuant to Security Council resolution 1822 (2008) was concluded on 27 Jul. 2010.

131. QI.D.249.08.

**Name:** 1: YAHIA 2: DJOUADI 3: na 4: na

**Title:** na **Designation:** na **DOB:** 1 Jan. 1967 **POB:** M'Hamid, Wilaya (province) of Sidi Bel Abbes, Algeria **Good quality a.k.a.:** a) Yahia Abou Ammar b) Abou Ala **Low quality a.k.a.:** na **Nationality:** Algerian **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 3 Jul. 2008 **Other information:** Belongs to the leadership of the Organization of Al-Qaida in the Islamic Maghreb (listed under permanent reference number QE.T.14.01.). Located in Northern Mali as of Jun. 2008. Mother's name is Zohra Fares. Father's name is Mohamed.

132. QI.D.232.07.

**Name:** 1: ABDELMALEK 2: DROUKDEL 3: na 4: na

**Title:** na **Designation:** na **DOB:** 20 Apr. 1970 **POB:** Meftah, Wilaya of Blida, Algeria **Good quality A.k.a.:** Abou Mossaab Abdelouadoud **Low quality A.k.a.:** na **Nationality:** Algerian **Passport no.:** na **National identification no.:** na **Address:** Algeria **Listed on:** 27 Aug. 2007 (amended on 7 Apr. 2008, 13 Dec. 2011) **Other information:** Head of The Organization of Al-Qaida in the Islamic Maghreb (QE.T.14.01.). Sentenced in absentia to life imprisonment in Algeria on 21 March 2007. Father's name is Rabah Droukdel. Mother's name is Z'hour Zdigha. Review pursuant to Security Council resolution 1822 (2008) was concluded on 4 May 2009.

133. QI.D.95.03.

**Name:** 1: LIONEL 2: DUMONT 3: na 4: na

**Title:** na **Designation:** na **DOB:** 21 Jan. 1971 **POB:** 69

Roubaix,

- France **Good quality a.k.a.:** a) Jacques Brougere b) Abu Hamza c) Di Karlo Antonio d) Merlin Oliver Christian Rene e) Arfauni Imad Ben Yousset Hamza f) Imam Ben Yussuf Arfaj g) Abou Hamza h) Arfauni Imad **Low quality a.k.a.:** a) Bilal b) Hamza c) Koumkal d) Kumkal e) Merlin f) Tinet g) Brugere h) Dimon **Nationality:** French **Passport no.:** na **National identification no.:** na **Address:** France **Listed on:** 25 Jun. 2003 (amended on 22 Nov. 2004, 26 Nov. 2004, 2 Jul. 2007, 17 Oct. 2007, 24 Mar. 2009, 6 Aug. 2010) **Other information:** In custody in France as of May 2004. Sentenced to 25 years imprisonment in France in 2007. Review pursuant to Security Council resolution 1822 (2008) was concluded on 15 Jun. 2010.
134. QID.111.03.  
**Name:** 1: AGUS 2: DWIKARNA 3: na 4: na  
**Title:** na **Designation:** na **DOB:** 11 Aug. 1964 **POB:** Makassar, South Sulawesi, Indonesia **Good quality a.k.a.:** na **Low quality a.k.a.:** na **Nationality:** Indonesian **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 9 Sept. 2003 (amended on 26 Nov. 2004) **Other information:** Arrested 13 Mar. 2002, sentenced 12 July 2002 in the Philippines.
135. QIE.169.04.  
**Name:** 1: DHOU 2: EL-AICH 3: na 4: na  
**Title:** na **Designation:** na **DOB:** 5 Aug. 1964 **POB:** Blida, Algeria **Good quality A.k.a.:** Abdel Hak **Low quality A.k.a.:** na **Nationality:** Algerian **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 3 May 2004 (amended on 12 Apr. 2006, 7 Apr. 2008, 13 Dec. 2011) **Other information:** Confirmed to have died in Chad on 8 Mar. 2004. Review pursuant to Security Council resolution 1822 (2008) was concluded on 27 Jul. 2010.
136. QIE.19.01.  
**Name:** 1: ABDULLAH 2: AHMED 3: ABDULLAH 4: EL ALFI  
**Title:** na **Designation:** na **DOB:** 6 June 1963 **POB:** Gharbia, Egypt **Good quality a.k.a.:** na **Low quality a.k.a.:** a) Abu Mariam b) Al-Masri, Abu Mohamed c) Saleh **Nationality:** Egypt **Passport no.:** na **National identification:** na **Address:** na **Listed on:** 17 Oct. 2001 (amended on 26 Nov. 2004) **Other information:** Afghanistan.
137. QIE.142.03.

**Name:** 1: RADİ 2: ABD EL SAMİE 3: ABOU EL YAZİD  
4: EL AYASHİ

**Title:** na **Designation:** na **DOB:** 2 Jan. 1972 **POB:** El Gharbia, Egypt **Good quality a.k.a.:** na **Low quality a.k.a.:** Meraï **Nationality:** na **Passport no.:** na **National identification no.:** na **Address:** Via Cilea 40, Milan, Italy (Domicile) **Listed on:** 12 Nov. 2003 (amended on 9 Sep. 2005, 21 Dec. 2007) **Other information:** Sentenced to ten years of imprisonment by the Court of first instance of Milan on 21 Sep. 2006. In custody in Italy Due for release on 6 Jan. 2012. Subject to expulsion from Italy after serving the sentence. Review pursuant to Security Council resolution 1822 (2008) was concluded on 21 Jun. 2010.

138. Deleted

139. Deleted

140. Q.I.E.262.08.

**Name:** 1: REDOUANE 2: EL HABHAB 3: na 4: na

**Title:** na **Designation:** na **DOB:** 20 Dec. 1969 **POB:** Casablanca, Morocco **Good quality a.k.a.:** Abdelrahman **Low quality a.k.a.:** na **Nationality:** a) German b) Moroccan **Passport no.:** German passport number 1005552350, issued on 27 Mar. 2001 by Municipality of Kiel, Germany, expired on 26 Mar. 2011 **National identification no.:** German federal identity card number 1007850441, issued on 27 Mar. 2001 by Municipality of Kiel, Germany, expired on 26 Mar. 2011 **Address:** lltisstrasse 58, 24143 Kiel, Germany (previous address) **Listed on:** 12 Nov. 2008 (amended on 30 Jan. 2009, 24 Mar. 2009) **Other information:** Released from custody in Germany in Apr. 2012.

141. Deleted

142. Q.I.E.82.02.

**Name:** 1: MOUNİR 2: EL MOTASSADEQ 3: na 4: na

**Title:** na **Designation:** na **DOB:** 3 Apr. 1974 **POB:** Marrakesh, Morocco **Good quality a.k.a.:** Mounir el Moutassadeq **Low quality a.k.a.:** na **Nationality:** Moroccan **Passport no.:** Moroccan Passport H 236483 **National identification no.:** Moroccan national identity card E-491591 **Address:** In prison in Germany **Listed on:** 30 Sep. 2002 (amended on 26 Nov. 2004, 7 Sep. 2007, 23 Dec. 2010) **Other information:** Arrested on 28 Nov. 2001 and found guilty in Germany of being an accessory to murder and of membership in a terrorist organization and sentenced to 15 years of imprisonment on 8 Jan. 2007. Father's name is Bra-

- him Brik. Mother's name is Habiba Abbas. Review pursuant to Security Council resolution 1822 (2008) was concluded on 20 May 2010.
143. Q.I.E.65.02.  
**Name:** 1: ABD EL KADER 2: MAHMOUD 3: MOHAMED 4: EL SAYED  
**Title:** na **Designation:** na **DOB:** 26 Dec. 1962 **POB:** Egypt  
**Good quality a.k.a.:** a) Es Sayed, Kader b) Abdel Khader Mahmoud Mohamed el Sayed **Low quality a.k.a.:** na **Nationality:** Egyptian **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 24 Apr. 2002 (amended on 26 Nov. 2004, 7 Jun. 2007, 16 May 2011) **Other information:** Italian Fiscal Code: SSYBLK62T26Z336L. Sentenced to 8 years imprisonment in Italy on 2 February 2004. Considered a fugitive from justice by the Italian authorities. Review pursuant to Security Council resolution 1822 (2008) was concluded on 22 Apr. 2010.
144. Q.I.E.64.02.  
**Name:** 1: SAMI 2: BEN KHAMIS 3: BEN SALEH 4: ELSSEID  
**Title:** na **Designation:** na **DOB:** 10 Feb. 1968 **POB:** Menzel Jemil, Bizerte, Tunisia **Good quality a.k.a.:** Omar El Mouhajer **Low quality a.k.a.:** Saber **Nationality:** Tunisian **Passport no.:** Tunisian passport number K929139, issued on 14 Feb. 1995, expired on 13 Feb. 2000 **National identification no.:** 00319547 issued on 8 Dec. 1994 **Address:** Ibn Al-Haythman Street, Number 6, Manubah, Tunis, Tunisia **Listed on:** 24 Apr. 2002 (amended on 10 Apr. 2003, 26 Nov. 2004, 9 Sep. 2005, 20 Dec. 2005, 7 Jun. 2007, 21 Dec. 2007, 10 Aug. 2009, 23 Dec. 2010) **Other information:** Italian Fiscal Code: SSDSBN68B10Z352F. Mother's name is Beya Al-Saidani. Deported from Italy to Tunisia on 2 Jun. 2008. Review pursuant to Security Council resolution 1822 (2008) was concluded on 22 Apr. 2010.
145. Q.I.A.299.11.  
**Name:** 1: MOUSSA 2: BEN OMAR 3: BEN ALI 4: ESSAADI  
**Title:** na **Designation:** na **DOB:** 4 Dec. 1964 **POB:** Tabarka, Tunisia **Good quality a.k.a.:** na **Low quality a.k.a.:** a) Dah Dah b) Abdelrahman c) Bechir **Nationality:** Tunisian **Passport no.:** Tunisian passport number L335915, issued in Milan, Italy on 8 Nov. 1996, expired on 7 Nov. 2001 **National identification no.:** na **Address:** Tunisia **Listed on:** 25 Jun. 2003 (amended on 20 Dec. 2005, 17 Oct. 2007, 10 Aug. 2009, 16 May 2011, 20 Jul.

2012) **Other information:** Considered a fugitive from justice by the Italian authorities (as of Nov. 2009). Left Sudan to Tunisia in 2011. Review pursuant to Security Council resolution 1822 (2008) was concluded on 15 Jun. 2010.

146.

Q.I.E.83.02.

**Name:** 1: ZAKARYA 2: ESSABAR 3: na 4: na

**Title:** na **Designation:** na **DOB:** 3 Apr. 1977 **POB:** Essaouria, Morocco **Good quality a.k.a.:** Zakariya Essabar **Low quality a.k.a.:** na **Nationality:** Moroccan **Passport no.:** a) Moroccan passport number M 271351 issued on 24 Oct. 2000 by the Embassy of Morocco in Berlin b) Moroccan passport number K-348486 **National identification no.:** a) Moroccan National Identity number E-189935 b) Moroccan National Identity Card number G0343089 **Address:** na **Listed on:** 30 Sep. 2002 (amended on 26 Nov. 2004, 10 Jun. 2011) **Other information:** Father's name is Mohamed ben Ahmed. Mother's name is Sfia bent Toubali. Review pursuant to Security Council resolution 1822 (2008) was concluded on 20 May 2010.

147.

Q.I.F.27.01.

**Name:** 1: MUSTAFA 2: MOHAMED 3: FADHIL 4: na

**Title:** na **Designation:** na **DOB:** a) 23 Jun. 1976 b) 1 Jan. 1976 **POB:** Cairo, Egypt **Good quality a.k.a.:** a) Al Masri, Abd Al Wakil b) Ali, Hassan c) Anis, Abu; d) Elbishy, Moustafa Ali e) Fadil, Mustafa Muhamad f) Fazul, Mustafa g) Mohammed, Mustafa h) Mustafa Ali Elbishy **Low quality a.k.a.:** a) Al-Nubi, Abu b) Hussein c) Jihad, Abu d) Khalid e) Man, Nu f) Yussrr, Abu **Nationality:** Kenyan **Passport no.:** na **National identification no.:** Kenyan ID number 12773667; Serial number 201735161 **Address:** na **Listed on:** 17 Oct. 2001 (amended on 2 Jul. 2007, 16 Dec. 2010) **Other information:** Review pursuant to Security Council resolution 1822 (2008) was concluded on 21 Jun. 2010.

148.

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149.

Q.I.G.251.08.

**Name:** 1: SALAH EDDINE 2: GASMI 3: na 4: na

**Title:** na **Designation:** na **DOB:** 13 Apr. 1971 **POB:** Zeribet El Oued, Wilaya (province) of Biskra, Algeria **Good quality a.k.a.:** Abou Mohamed Salah **Low quality a.k.a.:** Bounouadher **Nationality:** Algerian **Passport no.:** na **National identification no.:** na **Address:** Algeria **Listed on:** 3 Jul. 2008 (amended on

24 Mar. 2009) **Other information:** Belongs to the leadership and is in charge of information committee of the Organization of Al-Qaida in the Islamic Maghreb ( QE.T.14.01.). Mother's name is Yamina Soltane. Father's name is Abdelaziz. Associated with Abdelmalek Droukdel (QI.D.232.07).

150. QI.G.259.08.

**Name:** 1: FRITZ 2: MARTIN 3: GELOWICZ 4: na  
**Title:** na **Designation:** na **DOB:** 1 Sep. 1979 **POB:** Munich, Germany **Good quality A.k.a.:** a) Robert Konars, born 10 Apr. 1979 in Liege, Belgium b) Markus Gebert **Low quality A.k.a.:** a) Malik b) Benzl c) Bentley **Nationality:** German **Passport no.:** German passport number 7020069907 issued in Ulm, Germany, expired on 11 May 2010. **National identification no.:** German Federal Identity Card number 7020783883 issued in Ulm, Germany, expired on 10 Jun. 2008. **Address:** a) In prison in Germany (since Sep. 2007). b) Böfing Weg 20, 89075 Ulm, Germany (previous address) **Listed on:** 27 Oct. 2008 (amended on 13 Dec. 2011) **Other information:** Associated with the Islamic Jihad Union (IJU), also known as the Islamic Jihad Group (QE.I.119.05.). Associated with Daniel Martin Schneider (QI.S.260.08.) and Adem Yilmaz (QI.Y.261.08.). In detention in Germany as of Jun. 2010.

151. QI.G.28.01.

**Name:** 1: AHMED 2: KHALFAN 3: GHAILANI 4: na  
**Title:** na **Designation:** na **DOB:** a) 14 Mar. 1974 b) 13 Apr. 1974 c) 14 Apr. 1974 d) 1 Aug. 1970 **POB:** Zanzibar, Tanzania **Good quality a.k.a.:** a) Ahmad, Abu Bakr b) Ahmed, Abubakar c) Ahmed, Abubakar K. d) Ahmed, Abubakar Khalfan e) Ahmed, Abubakary K. f) Ahmed, Ahmed Khalfan g) Ali, Ahmed Khalfan h) Ghailani, Abubakary Khalfan Ahmed i) Ghailani, Ahmed j) Ghilani, Ahmad Khalafan k) Hussein, Mahafudh Abubakar Ahmed Abdallah l) Khalfan, Ahmed m) Mohammed, Shariff Omar n) Haythem al-Kini **Low quality a.k.a.:** a) Ahmed The Tanzanian b) Foopie c) Fupi d) Ahmed, A e) Al Tanzani, Ahmad f) Bakr, Abu g) Khabar, Abu **Nationality:** Tanzanian **Passport no.:** na **National identification no.:** na **Address:** United States of America **Listed on:** 17 Oct. 2001 (amended on 27 Jul. 2007, 21 Oct. 2010) **Other information:** Apprehended in July 2004 and in custody for trial in the United States of America, as at October 2010. Review pursuant to Security



- Council resolution 1822 (2008) was concluded on 21 Jun. 2010.
152. QI.G.218.06.  
**Name:** 1: GUN GUN 2: RUSMAN 3: GUNAWAN 4: na  
**Title:** na **Designation:** na **DOB:** 6 Jul. 1977 **POB:** Cianjur, West Java, Indonesia **Good quality A.k.a.:** a) Gunawan, Rusman b) Abd Al-Hadi c) Abdul Hadi d) Abdul Karim e) Bukhori f) Bukhory **Low quality A.k.a.:** na **Nationality:** Indonesian **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 21 Apr. 2006 (amended on 13 Dec. 2011) **Other information:** Brother of Nurjaman Riduan Isamuddin (QI.I.87.03). Review pursuant to Security Council resolution 1822 (2008) was concluded on 8 Jun. 2010.
153. QI.H.3.01.  
**Name:** 1: SALIM 2: AHMAD 3: SALIM 4: HAMDAN  
**Title:** na **Designation:** na **DOB:** 1965 **POB:** a) Al-Mukalla, Yemen b) AI-Mukala, Yemen **Good quality a.k.a.:** a) Saqr Al-Jaddawi b) Saqar Al Jadawi c) Saqar Aljawadi d) Salem Ahmed Salem Hamdan **Low quality a.k.a.:** na **Nationality:** Yemeni **Passport no.:** Yemeni passport number 00385937 **National identification no.:** na **Address:** a) Shari Tunis, Sana'a, Yemen, (previous address) b) Located in Yemen since Nov. 2008 **Listed on:** 25 Jan. 2001 (amended on 25 Jul. 2006, 23 Apr. 2007, 30 Jan. 2009, 17 Jul. 2009, 25 Jan. 2010) **Other information:** Driver and private bodyguard to Usama bin Laden (QI.B.8.01) from 1996 until 2001. Transferred from United States custody to Yemen in Nov. 2008.
154. QI.H.250.08.  
**Name:** 1: AMOR 2: MOHAMED 3: GHEDEIR 4: na  
**Title:** na **Designation:** na **DOB:** Approximately 1958 **POB:** Deb-Deb, Amenas, Wilaya (province) of Illizi, Algeria **Good quality a.k.a.:** a) Abdelhamid Abou Zeid b) Youcef Adel c) Abou Abdellah d) Abid Hammadou, born 12 Dec. 1965 in Touggourt, Wilaya (province) of Ouargla, Algeria, (previously listed as) **Low quality a.k.a.:** na **Nationality:** Algerian **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 3 Jul. 2008 (amended on 10 May 2012) **Other information:** Associated with the Organization of Al-Qaida in the Islamic Maghreb (QE.T.14.01). Located in Northern Mali as of Jun. 2008. Mother's name is Benarouba Bachira. Father's name is Mabrouk. He usurped the identity of Abid Hammadou, who alleg-

- edly died in Chad in 2004.
155. QI.H.144.03.  
**Name:** 1: MOHAMMAD 2: TAHIR 3: HAMMID 4: na  
**Title:** Imam **Designation:** na **DOB:** 1 Nov. 1975 **POB:** Poshok, Iraq **Good quality a.k.a.:** Abdelhamid Al Kurdi **Low quality a.k.a.:** na **Nationality:** na **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 12 Nov. 2003 (amended on 9 Sep. 2005, 21 Dec. 2007, 16 May 2011) **Other information:** A deportation order was issued by the Italian authorities on 18 Oct. 2004. Considered a fugitive from justice by the Italian authorities as of Sep. 2007. Review pursuant to Security Council resolution 1822 (2008) was concluded on 8 Jun. 2010.
156. QI.H.204.05.  
**Name:** 1: ISNILON 2: TOTONI 3: HAPILON 4: na  
**Title:** na **Designation:** na **DOB:** a) 18 Mar. 1966 b) 10 Mar. 1967 **POB:** Bulanza, Lantawan, Basilan, the Philippines **Good quality a.k.a.:** a) Isnilon Hapilon b) Isnilun Hapilon c) Abu Musab d) Salahudin e) Tuan Isnilon **Low quality a.k.a.:** na **Nationality:** Filipino **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 6 Dec. 2005 **Other information:** na
157. QI.H.268.09.  
**Name:** 1: ABDUL 2: HAQ 3: na 4: na  
**Title:** na **Designation:** na **DOB:** 10 Oct. 1971 **POB:** Chele County, Khuttan Area, Xinjiang Uighur Autonomous Region, China **Good quality A.k.a.:** a) Maimaitiming Maimaiti b) Abdul Heq c) Abuduhake d) Abdulheq Jundullah e) 'Abd Al-Haq f) Memetiming Memeti g) Memetiming Aximu h) Memetiming Qekeman i) Maiumaitimin Maimaiti j) Abdul Saimaiti k) Muhammad Ahmed Khaliq **Low quality A.k.a.:** a) Maimaiti Iman b) Muhelisi c) Qerman d) Saifuding **Nationality:** Chinese **Passport no.:** na **National identification no.:** Chinese national identity card number 653225197110100533 **Address:** na **Listed on:** 15 Apr. 2009 (amended on 13 Dec. 2011) **Other information:** Location (as at Apr. 2009): Pakistan. Overall leader and commander of the Eastern Turkistan Islamic Movement (Q.E.E.88.02.). Involved in fundraising and recruitment for this organization. Reportedly deceased in Pakistan in February 2010.
158. Deleted
159. Deleted
160. QI.H.88.03.

**Name:** 1: GULBUDDIN 2: HEKMATYAR 3: na 4: na  
**Title:** na **Designation:** na **DOB:** 1 Aug. 1949 **POB:** Kunduz Province, Afghanistan **Good quality a.k.a.:** a) Gulabudin Hekmatyiar b) Golboddin Hikmetyar c) Gulbuddin Khekmatiyar d) Gulbuddin Hekmatiar e) Gulbuddin Hekhmartyar f) Gulbuddin Hekmetyar **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 20 Feb. 2003 (amended on 16 May 2011) **Other information:** Belongs to the Kharoti tribe. Believed to be in the Afghanistan/Pakistan border area as at Jan. 2011. Father's name is Ghulam Qader. Review pursuant to Security Council resolution 1822 (2008) was concluded on 8 Jun. 2010.

161. QI.H.29.01.

**Name:** 1: R'AD 2: MUHAMMAD HASAN 3: MUHAMMAD 4: HIJAZI  
**Title:** na **Designation:** na **DOB:** 30 Dec. 1968 **POB:** California, United States of America **Good quality a.k.a.:** a) Hijazi, Raed M. b) Al-Hawen, Abu-Ahmad c) Al-Shahid, Abu-Ahmad d) Raed Muhammad Hasan Muhammad Hijazi **Low quality a.k.a.:** a) Al-Maghribi, Rashid (The Moroccan) b) Al-Amriki, Abu-Ahmad (The American) **Nationality:** Jordanian **Passport no.:** na **National identification no.:** a) United States Social Security Number: 548-91-5411 b) National number 9681029476  
**Address:** na **Listed on:** 17 Oct. 2001 (amended on 10 Apr. 2003, 16 May 2011) **Other information:** In custody in Jordan as at Mar. 2010. Father's name is Mohammad Hijazi. Mother's name is Sakina. Review pursuant to Security Council resolution 1822 (2008) was concluded on 21 Jun. 2010.

162. QI.H.221.06.

**Name:** 1: JAMAL 2: HOUSNI 3: na 4: na  
**Title:** na **Designation:** na **DOB:** 22 Feb. 1983 **POB:** Morocco **Good quality a.k.a.:** a) Djamel Il marocchino b) Jamal Al Maghrebti c) Hicham **Low quality a.k.a.:** na **Nationality:** na **Passport no.:** na **National identification no.:** na **Address:** a) Via Uccelli di Nemi n. 33, Milan b) via F. De Lemene n. 50, Milan  
**Listed on:** 2 Aug. 2006 (amended on 1 Sep. 2009) **Other information:** He is subject to Tribunale de Milano Custody Order n. 5236/02 R.G.N.R of 25 Nov. 2003 1511/02 R.G.GIP.

Convicted and sentenced on 21 Sep. 2006 to seven years of detention by the Milan Assizes Court, Italy, for belonging to a

- criminal association with terrorist aims and receiving stolen goods. The sentence was confirmed on 17 Jul. 2007 by the Milan Assizes Appeal Court. In custody as at 16 Jun. 2009. Review pursuant to Security Council resolution 1822 (2008) was concluded on 20 Jul. 2009.
163. QL.H.10.01.  
**Name:** 1: ZAYN 2: AL-ABIDIN 3: MUHAMMAD 4: HUSSEIN  
**Title:** na **Designation:** na **DOB:** 12 Mar. 1971 **POB:** Riyadh, Saudi Arabia **Good quality a.k.a.:** a) Abd Al-Hadi Al-Wahab b) Zain Al-Abidin Muhammad Husain c) Zayn Al-Abidin Muhammad Husayn d) Zeinulabideen Muhammed Husein Abu Zubeidah **Low quality a.k.a.:** a) Abu Zubaydah b) Abu Zubaida c) Tariq Hani **Nationality:** Palestinian **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 25 Jan. 2001 (amended on 10 Apr. 2003, 25 Jul. 2006, 23 Apr. 2007, 18 Jul. 2007, 27 Jul. 2007, 17 Jul. 2009, 16 Dec. 2010) **Other information:** Close associate of Usama bin Laden (Q.I.B.8.01) and facilitator of terrorist travel. In custody of the United States of America as at Jul. 2007. Review pursuant to Security Council resolution 1822 (2008) was concluded on 21 Jun. 2010.
164. QL.H.195.05.  
**Name:** 1: AL SAYYID 2: AHMED 3: FATHI 4: HUSSEIN ELIWAH  
**Title:** na **Designation:** na **DOB:** a) 30 Jul. 1964 b) 30 Jan. 1964 **POB:** Suez, Egypt **Good quality A.k.a.:** a) Al Sayyid Ahmed Fathi Hussein Eliwa b) Al Sayyid Ahmed Fathi Hussein Alaiwah c) Al Sayyid Ahmed Fathi Hussein Elaiwa d) Al Sayyid Ahmed Fathi Hussein Ilewah e) Al Sayyid Ahmed Fathi Hussein Alaywah f) El Sayed Ahmad Fathi Hussein Elaiwa g) Hatim h) Hisham i) Abu Umar j) El-Sayed Ilawah born on 3 Jul.1954 **Low quality A.k.a.:** na **Nationality:** Egyptian **Passport no.:** United Kingdom passport number RP0185179 issued on 11 Sep. 2001, expires on 11 Sep. 2011 (in the name of Al-Sayyid Ilewah) **National identification no.:** na **Address:** United Kingdom **Listed on:** 29 Sep. 2005 (amended on 6 Oct. 2005, 18 Aug. 2006, 13 Dec. 2011) **Other information:** Sentenced to 15 years imprisonment in Egypt in 1999. Father's name is Fathi Hussein Elaiwa. Member of Egyptian Islamic Jihad (Q.E.A.3.01). Review pursuant to Security Council resolution 1822 (2008) was

concluded on 29 Jul. 2010.

165. Q.I.I.67.02.

**Name:** 1: MOSTAFA 2: KAMEL 3: MOSTAFA 4: IBRAHIM  
**Title:** na **Designation:** na **DOB:** 15 Apr. 1958 **POB:** Alexandria, Egypt **Good quality a.k.a.:** a) Mustafa Kamel Mustafa b) Adam Ramsey Eaman c) Kamel Mustapha Mustapha d) Mustapha Kamel Mustapha e) Abu Hamza f) Mostafa Kamel Mostafa **Low quality a.k.a.:** a) Abu Hamza Al-Masri b) Al-Masri, Abu Hamza c) Al-Misri, Abu Hamza **Nationality:** British **Passport no.:** na **National identification no.:** na **Address:** a) 9 Aldbourne Road, Shepherds Bush, London, W12 OLW, United Kingdom b) 8 Adie Road, Hammersmith, London, W6 OPW, United Kingdom **Listed on:** 24 Apr. 2002 (amended on 26 Nov. 2004, 25 Jul. 2006, 14 Mar. 2008, 21 Oct. 2010) **Other information:** In detention in the United Kingdom as at November 2009. Review pursuant to Security Council resolution 1822 (2008) was concluded on 22 Apr. 2010.

165a. Q.I.I.308.12.

**Name:** 1: ZAFAR 2: IQBAL 3: na 4: na  
**Title:** na **Designation:** na **DOB:** 4 Oct. 1953 **POB:** Masjid al-Qadesia, 4 Lake Road, Lahore, Pakistan **Good quality a.k.a.:** a) Zaffer Iqbal b) Malik Zafar Iqbal Shehbaz c) Malik Zafar Iqbal Shahbaz d) Malik Zafar Iqbal **Low quality a.k.a.:** a) Zafar Iqbal Chaudhry b) Muhammad Zafar Iqbal **Nationality:** Pakistani **Passport no.:** Passport number DG5149481, issued on 22 Aug. 2006, expired on 21 Aug. 2011, passport booklet number A2815665 **National identification no.:** National identification number 35202- 4135948-7 b) Alternate national identification number 29553654234 **Address:** na **Listed on:** 14 Mar. 2012 **Other information:** Senior leader and co-founder of Lashkar-eTayyiba (Q.E.L.118.05.) (LeT) who has held various senior leader positions in LeT and its front organization, Jamaat-ud-Dawa (JUD) (listed as an alias of LeT). As of 2010, in charge of LeT/JUD finance department, director of its education department and president of its medical wing. Other title: Professor.

166. Q.I.I.87.03.

**Name:** 1: NURJAMAN 2: RIDUAN 3: ISAMUDDIN 4: na  
**Title:** na **Designation:** na **DOB:** 4 Apr. 1964 **POB:** Cianjur, West Java, Indonesia **Good quality a.k.a.:** a) Hambali b) Nurjaman c) Isomuddin, Nurjaman Riduan d) Hambali Bin Ending

- e) Encep Nurjaman (birth name) f) Hambali Ending Hambali  
g) Isamuddin Riduan h) Isamudin Ridwan **Low quality a.k.a.:** na **Nationality:** Indonesian **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 28 Jan. 2003 (amended on 2 Jul. 2007, 27 Jul. 2007, 16 May 2011) **Other information:** Senior leader of Jemaah Islamiyah (QEj.92.02.). Brother of Gun Gun Rusman Gunawan (QI.G.218.06.). In custody of the United States of America, as of July 2007. Review pursuant to Security Council resolution 1822 (2008) was concluded on 13 Apr. 2010.
167. Deleted
168. QIj.180.04.  
**Name:** 1: KHADAFI 2: ABUBAKAR 3: JANJALANI 4: na  
**Title:** na **Designation:** na **DOB:** 3 Mar. 1975 **POB:** Isabela, Basilan, Philippines **Good quality a.k.a.:** a) Khadafy Janjalani b) Khaddafy Abubakar Janjalani c) Abu Muktar **Low quality a.k.a.:** na **Nationality:** Filipino **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 22 Dec. 2004 (amended on 23 Feb. 2009) **Other information:** Reportedly deceased in 2006.
169. QIj.99.03.  
**Name:** 1: KHALIL 2: BEN AHMED 3: BEN MOHAMED 4: JARRAYA  
**Title:** na **Designation:** na **DOB:** 8 Feb. 1969 **POB:** Sfax, Tunisia **Good quality a.k.a.:** a) Khalil Yarraya b) Ben Narvan Abdel Aziz, born 15 Aug. 1970 in Sereka, former Yugoslavia c) Abdel Aziz Ben Narvan, born 15 Aug. 1970 in Sereka, former Yugoslavia **Low quality a.k.a.:** a) Amro b) Omar c) Amrou d) Amr **Nationality:** Tunisian **Passport no.:** Tunisian passport number K989895, issued on 26 Jul. 1995 in Genoa, Italy, expired on 25 Jul. 2000 **National identification no.:** na **Address:** Nuoro, Italy **Listed on:** 25 Jun. 2003 (amended on 26 Nov. 2004, 20 Dec. 2005, 17 Oct. 2007, 16 Sep. 2008, 24 Mar. 2009, 10 Aug. 2009, 6 Aug. 2010) **Other information:** Detained in Italy since 9 Aug. 2008 for his implication in a case related to terrorism. Review pursuant to Security Council resolution 1822 (2008) was concluded on 15 Jun. 2010.
170. Deleted
171. Deleted

172. QIj.79.02.

**Name:** 1: WA'EL 2: HAMZA 3: ABD AL-FATAH 4: JULAIDAN

**Title:** na **Designation:** na **DOB:** a) 22 Jan. 1958 b) 20 Jan. 1958  
**POB:** Al-Madinah, Saudi Arabia **Good quality a.k.a.:** a) Wa'il Hamza Julaidan b) Wa'el Hamza Jalaidan c) Wa'il Hamza Jalaidan d) Wa'el Hamza Jaladin e) Wa'il Hamza Jaladin f) Wail H.A. Jlidan **Low quality a.k.a.:** Abu Al-Hasan Al Madani **Nationality:** Saudi Arabian **Passport no.:** a) Saudi Arabian passport number A-992535 b) Passport number B 524420, issued on 15 Jul. 1998, expired on 22 May 2003 **National identification no.:** na **Address:** na **Listed on:** 11 Sep. 2002 (amended on 23 Apr. 2007, 23 Dec. 2010) **Other information:** Executive Director of Rabita Trust (QE.R.21.01.). Review pursuant to Security Council resolution 1822 (2008) was concluded on 20 May 2010.

173. QIj.114.03.

**Name:** 1: SALIM Y SALAMUDDIN 2: JULKIPLI 3: na 4: na  
**Title:** na **Designation:** na **DOB:** 20 Jun. 1967 **POB:** Tulay, Jolo Sulu, Philippines **Good quality A.k.a.:** a) Kipli Sali b) Julkipli Salim **Low quality A.k.a.:** na **Nationality:** Filipino **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 9 Sep. 2003 (amended on 23 Feb. 2009, 13 Dec. 2011) **Other information:** In detention in the Philippines as at May 2011. Review pursuant to Security Council resolution 1822 (2008) was concluded on 25 May 2010.

174. Deleted

175. QI.K.72.02.

**Name:** 1: MEHDI 2: BEN MOHAMED 3: BEN MOHAMED 4: KAMMOUN

**Title:** na **Designation:** na **DOB:** 3 Apr. 1968 **POB:** Tunis, Tunisia **Good quality a.k.a.:** na **Low quality a.k.a.:** Salmane **Nationality:** Tunisian **Passport no.:** Tunisian passport number M307707, issued on 12 Apr. 2000, expired on 11 Apr. 2005 **National identification no.:** na **Address:** Via Masina Number 7, Milan, Italy **Listed on:** 3 Sep. 2002 (amended on 20 Dec. 2005, 7 Jun. 2007, 23 Dec. 2010) **Other information:** Italian Fiscal Code: KMMMHD68D03Z352N. Deported from Italy to Tunisia on 22 July 2005. Serving an eight-year prison term in Tunisia for membership of a terrorist organization abroad as at Jan. 2010. Review pursuant to Security Council resolution 1822



- (2008) was concluded on 21 Jun. 2010.
- 175a. QI.K.302.12.  
**Name:** 1: MEVLÜT 2: KAR 3: na 4: na  
**Title:** na **Designation:** na **DOB:** 25 Dec. 1978 **POB:** Ludwigshafen, Germany **Good quality a.k.a.:** Mevluet Kar **Low quality a.k.a.:** a) Abu Obaidah b) Obeidah Al Turki c) Al-Turki d) Al Turki Kyosev e) Yanal Yusov f) Abu Udejf el-Turki g) Abu Obejd el-Turki h) Abdurrahman Almanci **Nationality:** Turkish **Passport no.:** Turkish passport number TR-M842033 issued in Mainz, Germany by the Turkish Consulate General, issued on 2 May 2002, expired on 24 Jul. 2007 **National identification no.:** na **Address:** Güngören Merkez Mahallesi Toros Sokak 6/5, Istanbul, Turkey, (previous as at Aug. 2009) **Listed on:** 25 Jan. 2012 **Other information:** Associated with Islamic Jihad Group (QE.I.119.05.). Arrest warrant issued by the investigating judge of the German Federal Court of Justice on 17 Aug. 2009.
176. QI.K.284.10.  
**Name:** 1: MOHAMMAD 2: ILYAS 3: KASHMIRI 4: na  
**Title:** Mufti **Designation:** na **DOB:** a) 2 Jan. 1964 b) 10 Feb. 1964 **POB:** Bhimber, Samahani Valley, Pakistan-administered Kashmir **Good quality a.k.a.:** Muhammad Ilyas Kashmiri **Low quality a.k.a.:** a) Elias al-Kashmiri b) Ilyas, Naib Amir **Nationality:** na **Passport no.:** na **National identification no.:** na **Address:** Thathi Village, Samahni, Bhimber District, Pakistan-administered Kashmir **Listed on:** 6 Aug. 2010 **Other information:** Mohammad Ilyas Kashmiri was the commander of Harakat-ul Jihad Islami (QE.H.130.10.) and provides support to Al-Qaida (QE.A.4.01) operations. This individual had two titles: a) Mufti b) Maulana. Reportedly deceased in Pakistan on 11 June 2011.
177. QI.K.135.03.  
**Name:** 1: DAWOOD 2: IBRAHIM 3: KASKAR 4: na  
**Title:** Sheikh **Designation:** na **DOB:** 26 Dec. 1955 **POB:** a) Bombai b) Ratnagiri, India **Good quality a.k.a.:** a) Dawood Ebrahim b) Sheikh Dawood Hassan c) Abdul Hamid Abdul Aziz d) Anis Ibrahim e) Aziz Dilip f) Daud Hasan Shaikh Ibrahim Kaskar g) Daud Ibrahim Memon Kaskar h) Dawood Hassan Ibrahim Kaskar i) Dawood Ibrahim Memon j) Dawood Sabri k) Kaskar Dawood Hasan l) Shaikh Mohd Ismail Abdul Rehman m) Dowood Hassan Shaikh Ibrahim **Low quality a.k.a.:** a) Ibrahim Shaikh Mohd Anis b) Shaikh Ismail Abdul

**c)** Hizrat **Nationality:** Indian **Passport no.:** **a)** Indian passport number A-333602 issued in Bombay, India, issued on 4 Jun.

1985 (passport subsequently revoked by the Government of India) **b)** Indian passport number M110522 issued in Bombay, issued on 13 Nov. 1978 **c)** Indian passport number R841697 issued in Bombay, issued on 26 Nov. 1981 **d)** Indian passport number F823692 (JEDDAH) issued by CGI in Jeddah, issued on 2 Sep. 1989 **e)** Indian passport number A501801 (BOMBAY),

issued on 26 Jul. 1985 **f)** Indian passport number K560098 (BOMBAY), issued on 30 Jul. 1975 **g)** Passport number V57865 (BOMBAY), issued on 3 Oct. 1983 **h)** Passport number

P537849 (BOMBAY), issued on 30 Jul. 1979 **i)** Passport number A717288 (MISUSE) issued in Dubai, issued on 18 Aug. 1985 **j)** Pakistani passport number G866537 (MISUSE) issued in

Rawalpindi, issued on 12 Aug. 1991 **k)** Passport number C-267185 issued in Karachi in Jul.1996 **l)** Passport number H-

123259 issued in Rawalpindi in Jul. 2001 **m)** Passport number G-869537 issued in Rawalpindi **n)** Passport number KC-285901

**National identification no.:** na **Address:** **a)** Karachi/Pakistan, White House, Near Saudi Mosque, Clifton **b)** House Nu 37 -

30th Street - defence, Housing Authority Karachi Pakistan

**c)** Palatial bungalow in the hilly area of Noorabad in Karachi

**d)** Property at Margalla Raod F 6/2 Street no. 22, House number 29 in Karachi **Listed on:** 3 Nov. 2003 (amended on 21 Mar. 2006, 25 Jul. 2006, 2 Jul. 2007, 11 Mar. 2010) **Other information:**

International arrest warrant issued by the Government of India QI.K.115.03.

178. **Name:** 1: ABDUL MANAF 2: KASMURI 3: na 4: na **Title:** na **Designation:** na **DOB:** 28 May 1955 **POB:** Selangor, Malaysia **Good quality a.k.a.:** na **Low quality a.k.a.:** **a)** Muhammad Al-Filipini **b)** Intan **Nationality:** Malaysian **Passport no.:** A 9226483 **National identification no.:** 550528-10-5991 **Address:** Klang, Selangor, Malaysia

**Listed on:** 9 Sept. 2003 **Other information:** na

178a. QI.K.306.12.

**Name:** 1: MUSTAFA 2: HAJJI 3: MUHAMMAD 4: KHAN **Title:** na **Designation:** na **DOB:** **a)** Between Aug. and Sep. 1977

**b)** 1976 **POB:** **a)** Al-Madinah, Saudi Arabia **b)** Sangrar, Sindh Province, Pakistan **Good quality a.k.a.:** **a)** Hassan Ghul;

Hassan Gul; Hasan Gul **b)** Khalid Mahmud **Low quality a.k.a.:**

**a)** Ah-

- mad Shahji **b)** Mustafa Muhammad **c)** Abu Gharib al-Madani **d)** Abu-Shaima; Abu- Shayma **Nationality:** **a)** Pakistani **b)** Saudi Arabian **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 14 Mar. 2012 **Other information:** Al-Qaida (QE.A.4.01.) facilitator, courier and operative. As of 2010, facilitated activities for senior Pakistan-based Al-Qaida operatives.
179. QI.K.158.04.  
**Name:** 1: ABDERRAHMANE 2: KIFANE 3: na 4: na  
**Title:** na **Designation:** na **DOB:** 7 Mar. 1963 **POB:** Casablanca, Morocco **Good quality a.k.a.:** na **Low quality a.k.a.:** na **Nationality:** Moroccan **Passport no.:** na **National identification no.:** na **Address:** Number 25 Via Padre Massimiliano Kolbe Sant' Anastasia (NA), Italy **Listed on:** 17 Mar. 2004 (amended on 26 Nov. 2004, 9 Sep. 2005, 21 Dec. 2007, 25 Jan. 2010, 16 May 2011) **Other information:** Review pursuant to Security Council resolution 1822 (2008) was concluded on 30 Jul. 2009.
180. QI.K.73.02.  
**Name:** 1: SAMIR 2: ABD EL LATIF 3: EL SAYED 4: KISHK  
**Title:** na **Designation:** na **DOB:** 14 May 1955 **POB:** Gharbia, Egypt **Good quality a.k.a.:** Samir Abdellatif el Sayed Keshk **Low quality a.k.a.:** na **Nationality:** Egyptian **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 3 Sep. 2002 (amended on 26 Nov. 2004, 7 Jun. 2007, 16 May 2011) **Other information:** Deported from Italy to Egypt on 2 July 2003. Review pursuant to Security Council resolution 1822 (2008) was concluded on 16 Jul. 2010.
181. QI.L.190.05.  
**Name:** 1: ABDELKADER 2: LAAGOUB 3: na 4: na  
**Title:** na **Designation:** na **DOB:** 23 Apr. 1966 **POB:** Casablanca, Morocco **Good quality A.k.a.:** na **Low quality A.k.a.:** Rachid **Nationality:** Moroccan **Passport no.:** Moroccan passport number D-379312 **National identification no.:** Moroccan national identity card DE-473900 **Address:** Number 4, Via Europa, Paderno Ponchielli, Cremona, Italy **Listed on:** 29 Jul. 2005 (amended on 21 Dec. 2007, 13 Dec. 2011) **Other information:** Italian Fiscal code: LGBBLK66D23Z330U. Father's name is Mamoune Mohamed. Mother's name is Fatna Ahmed. Review pursuant to Security Council resolution 1822 (2008) was concluded on 8 Jun. 2010.
182. QI.L.30.01.

**Name:** 1: MUFTI 2: RASHID 3: AHMAD 4: LADEHYANOY  
**Title:** na **Designation:** na **DOB:** na **POB:** na **Good quality a.k.a.:** a) Ludhianvi, Mufti Rashid Ahmad b) Armad, Mufti Rasheed c) Wadehyanoy, Mufti Rashid Ahmad **Low quality a.k.a.:** na **Nationality:** Pakistani **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 17 Oct. 2001 (amended on 16 May 2011) **Other information:** Founder of Al-Rashid Trust (QE.A.5.01). Reportedly deceased in Pakistan on 18 Feb. 2002. Review pursuant to Security Council resolution 1822 (2008) was concluded on 29 Jul. 2010.

183. Q.I.L.264.08.

**Name:** 1: ZAKI-UR-REHMAN 2: LAKHVI 3: na 4: na  
**Title:** na **Designation:** na **DOB:** 30 Dec. 1960 **POB:** Okara, Pakistan **Good quality a.k.a.:** a) Zakir Rehman Lakvi b) Zaki Ur-Rehman Lakvi c) Kaki Ur-Rehman d) Zakir Rehman e) Abu Waheed Irshad Ahmad Arshad **Low quality a.k.a.:** Chachajee **Nationality:** Pakistani **Passport no.:** na **National identification no.:** Pakistani national identification number 61101- 9618232-1 **Address:** a) Barahkoh, P.O. DO, Tehsil and District Islamabad, Pakistan, (location as at May 2008) b) Chak No. 18/IL, Rinala Khurd, Tehsil Rinala Khurd, District Okara, Pakistan, (previous location) **Listed on:** 10 Dec. 2008 **Other information:** Chief of operations of Lashkar-e-Tayyiba (listed under permanent reference number QE.L.118.05.).

184. Q.I.L.247.08.

**Name:** 1: RUBEN 2: PESTANO 3: LAVILLA, JR 4: na  
**Title:** Sheik **Designation:** na **DOB:** 4 Oct. 1972 **POB:** Sitio Banga Maiti, Barangay Tranghawan, Lambunao, Iloilo, Philippines **Good quality A.k.a.:** a) Reuben Lavilla b) Sheik Omar c) Mile D Lavilla d) Reymund Lavilla e) Ramo Lavilla f) Mike de Lavilla g) Abdullah Muddaris h) Ali Omar i) Omar Lavilla j) Omar Labella **Low quality A.k.a.:** a) So b) Eso c) Junjun **Nationality:** Filipino **Passport no.:** a) Filipino passport number MM611523 (2004) b) Filipino passport number EE947317 (2000-2001) c) Filipino passport number P421967 (1995-1997) **National identification no.:** na **Address:** 10th Avenue, Calocan City, Philippines **Listed on:** 4 Jun. 2008 (amended on 16 Sep. 2008, 13 Dec. 2011) **Other information:** Spiritual leader of the Rajah Solaiman Movement (QE.R.128.08.). Associated with Khadafi Abubakar Janjalani (QIj.180.04.) and the International

- Islamic Relief Organization, Philippines, branch offices (QE.I.126.06.). In detention in the Philippines as of May 2011. Review pursuant to Security Council resolution 1822 (2008) was concluded on 13 May 2010.
185. QIL.155.04.  
**Name:** 1: DJAMEL 2: LOUNICI 3: na 4: na  
**Title:** na **Designation:** na **DOB:** 1 Feb. 1962 **POB:** Algiers, Algeria **Good quality a.k.a.:** Jamal Lounici **Low quality a.k.a.:** na **Nationality:** Algerian **Passport no.:** na **National identification no.:** na **Address:** Algeria **Listed on:** 16 Jan. 2004 (amended on 7 Apr. 2008, 2 Dec. 2008, 30 Jan. 2009, 16 May 2011) **Other information:** Father's name is Abdelkader. Mother's name is Johra Birouh Returned from Italy to Algeria where he resides since Nov. 2008. Son in law of Othman Deramchi (QI.D.164.04). Review pursuant to Security Council resolution 1822 (2008) was concluded on 27 Jul. 2010.
186. QI.M.116.03.  
**Name:** 1: AMRAN 2: MANSOR 3: na 4: na  
**Title:** na **Designation:** na **DOB:** 25 May 1964 **POB:** Johor, Malaysia **Good quality a.k.a.:** na **Low quality a.k.a.:** Henry **Nationality:** Malaysian **Passport no.:** A 10326821 **National identification no.:** 640525-01-5885 **Address:** Kg. Sg. Tiram, Johor, Malaysia **Listed on:** 9 Sep. 2003 (amended on 25 Jan. 2010) **Other information:** Released from detention and believed to be in Indonesia. Review pursuant to Security Council resolution 1822 (2008) was concluded on 19 Jun. 2009.
187. QI.M.296.11.  
**Name:** 1: MATI UR-REHMAN 2: ALI MUHAMMAD 3: na 4: na  
**Title:** na **Designation:** na **DOB:** Approximately 1977 **POB:** Chak number 36/DNB, Rajkan, Madina Colony, Bahawalpur District, Punjab Province, Pakistan **Good quality a.k.a.:** a) Matiur Rehman b) Mati ur Rehman c) Matiur Rahman d) Matiur Rehman e) Matti al-Rehman f) Abdul Samad g) Samad Sial h) Abdul Samad Sial i) Ustad Talha j) Qari Mushtaq **Low quality a.k.a.:** a) Tariq b) Hussain **Nationality:** Pakistani **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 22 Aug. 2011 **Other information:** Mati ur-Rehman is the chief operational commander of Lashkar i Jhangvi (LJ) (QE.L.96.03.). Associated with Harakat-ul Jihad Islami (QE.H.130.10)

188. QI.M.286.10.

**Name:** 1: HAKIMULLAH 2: MEHSUD 3: na 4: na

**Title:** na **Designation:** na **DOB:** Approximately 1979 **POB:** Pakistan **Good quality a.k.a.:** Hakeemullah Mehsud **Low quality a.k.a.:** Zulfiqar **Nationality:** Pakistani **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 21 Oct. 2010 (amended on 29 Jul. 2011) **Other information:** Reportedly born in South Waziristan, Pakistan, and believed to be residing in Pakistan. Leader of Tehrik-e Taliban Pakistan (TTP) (QE.T.132.11.), an organization based in the tribal areas along the Afghanistan/Pakistan border.

189. Deleted

190. QI.M.206.05.

**Name:** 1: IBRAHIM 2: MOHAMED KHALIL 3: na 4: na

**Title:** na **Designation:** na **DOB:** 2 Jul. 1975 **POB:** Mosul, Iraq **Good quality A.k.a.:** a) Khalil Ibrahim Jassem, born 2 May 1972 in Baghdad, Iraq b) Khalil Ibrahim Mohammad, born 3 Jul. 1975 in Mosul, Iraq c) Khalil Ibrahim Al Zafiri, born 1972 d) Khalil, born 2 May 1975 **Low quality A.k.a.:** na **Nationality:** Iraqi **Passport no.:** German travel document ("Reiseausweis") A 0003900 **National identification no.:** na **Address:** In prison in Germany **Listed on:** 6 Dec. 2005 (amended on 25 Jan. 2010, 13 Dec. 2011) **Other information:** Sentenced to 7 years of imprisonment in Germany on 6 Dec. 2007. Review pursuant to Security Council resolution 1822 (2008) was concluded on 5 Oct. 2009.

191. Deleted

192. QI.A.202.05.

**Name:** 1: MAZEN 2: SALAH 3: MOHAMMED 4: na

**Title:** na **Designation:** na **DOB:** 18 May 1981 **POB:** Arbil, Iraq **Good quality a.k.a.:** a) Mazen Ali Hussein, born 1 Jan. 1982 in Baghdad, Iraq b) Issa Salah Muhamad, born 1 Jan. 1980 **Low quality a.k.a.:** na **Nationality:** Iraqi **Passport no.:** German travel document ("Reiseausweis") A 0144378 (revoked as at Sep. 2012) **National identification no.:** na **Address:** 94051 Hauenberg, Germany **Listed on:** 6 Dec. 2005 (amended on 21 Oct. 2008, 13 Dec. 2011, 15.11.2012) **Other information:** Member of Ansar Al-Islam (QE.A.98.03). Released from custody in Germany on 18 May 2012. Review pursuant to Security Council resolution 1822 (2008) was concluded on 30 Jul. 2009.

193. QI.Y.126.03.

**Name:** 1: YUNOS 2: UMPARA 3: MOKLIS 4: na

**Title:** na **Designation:** na **DOB:** 7 Jul. 1966 **POB:** Lanao del Sur, Philippines **Good quality a.k.a.:** a) Muklis Yunos b) Mukhlis Yunos (previously listed as) c) Saifullah Mukhlis Yunos d) Saifulla Moklis Yunos **Low quality a.k.a.:** Hadji Onos **Nationality:** Filipino **Passport no.:** na **National identification no.:** na **Address:** Philippines **Listed on:** 9 Sep. 2003 (amended on 9 Sep. 2005, 23 Feb. 2009, 3 Jun. 2009, 16 May 2011) **Other information:** Sentenced to life without parole in the Philippines on 23 Jan. 2009 for his involvement in the bombings of 30 Dec. 2000 in Manila, the Philippines. Review pursuant to Security Council resolution 1822 (2008) was concluded on 25 May 2010.

194. QI.M.147.03.

**Name:** 1: MOHAMED 2: AMIN 3: MOSTAFA 4: na

**Title:** na **Designation:** na **DOB:** 11 Oct. 1975 **POB:** Kirkuk, Iraq **Good quality a.k.a.:** na **Low quality a.k.a.:** na **Nationality:** na **Passport no.:** na **National identification no.:** na **Ad-dress:** Via della Martinella 132, Parma, Italy (Domicile) **Listed on:** 12 Nov. 2003 (amended on 9 Sep. 2005, 7 Jun. 2007, 16 May 2011) **Other information:** Under administrative control measure in Italy scheduled to expire on 15 Jan. 2012. Review pursuant to Security Council resolution 1822 (2008) was concluded on 21 Jun. 2010.

195. QI.M.129.03.

**Name:** 1: DJAMEL 2: MOUSTFA 3: na 4: na

**Title:** na **Designation:** na **DOB:** 28 Sep. 1973 **POB:** Tiaret, Algeria **Good quality a.k.a.:** a) Ali Barkani, born 22 Aug. 1973 in Morocco b) Kalad Belkasam, born 31 Dec. 1979 c) Mostafa Djamel, born 31 Dec. 1979 in Maskara, Algeria d) Mostefa Djamel, born 26 Sep. 1973 in Mahdia, Algeria e) Mustafa Djamel, born 31 Dec. 1979 in Mascara, Algeria f) Balkasam Kalad, born 26 Aug. 1973 in Algiers, Algeria g) Bekasam Kalad, born 26 Aug. 1973 in Algiers, Algeria h) Belkasam Kalad, born 26 Aug. 1973 in Algiers, Algeria i) Damel Mostafa, born 31 Dec. 1979 in Algiers, Algeria j) Djamel Mostafa, born 31 Dec. 1979 in Maskara, Algeria k) Djamel Mostafa, born 10 Jun. 1982 l) Djamel Mostafa, born 31 Dec. 1979 in Maskara, Algeria m) Djamel Mostafa, born 31 Dec. 1979 in Algiers, Algeria n) Fjamel Moustfa, born 28 Sep. 1973 in Tiaret, Algeria o) Djamel Mustafa, born 31 Dec. 1979 p) Djamel Mustafa, born 31 Dec. 1979 in Mascara,

Algeria **Low quality a.k.a.:** Mustafa **Nationality:** Algerian **Passport no.:** **a)** Counterfeit Danish driving licence no. 20645897, made out to Ali Barkani, born on 22 Aug. 1973 in Morocco **b)** Algerian birth certificate, issued for Djamel Mostefa, born on 25 Sep. 1973 in Mehdiya, Tiaret province, Algeria **National identification no.:** na **Address:** Algeria **Listed on:** 23 Sep. 2003 (amended on 7 Sep. 2007, 7 Apr. 2008, 25 Jan. 2010, 16 May 2011) **Other information:** Father's name is Djelalli Moustfa. Mother's name is Kadeja Mansore. Associated with Ismail Abdallah Sbaitan Shalabi (QI.S.128.03), Mohamed Abu Dhess (QI.A.130.03) and Aschraf Al-Dagma (QI.A.132.03). Deported from Germany to Algeria in Sep. 2007. Review pursuant to Security Council resolution 1822 (2008) was concluded on 19 Oct. 2009.

196. Deleted

197. QI.A.238.08.

**Name:** 1: MUBARAK 2: MUSHAKHAS 3: SANAD 4: MUBARAK ALBATHALI

**Title:** na **Designation:** na **DOB:** 1 Oct. 1961 **POB:** Kuwait **Good quality a.k.a.:** **a)** Mubarak Mishkhis Sanad Al-Bathali **b)** Mubarak Mishkhis Sanad Al-Badhali **c)** Mubarak Al-Bathali **d)** Mubarak Mishkhas Sanad Al-Bathali **e)** Mubarak Mishkhas Sanad AlBazali **f)** Mobarak Meshkhas Sanad Al-Bthaly **Low quality a.k.a.:** Abu Abdulrahman **Nationality:** Kuwaiti **Passport no.:** **a)** Kuwaiti passport number 101856740, issued on 12 May 2005 and expired on 11 May 2007 **b)** Kuwaiti passport number 002955916 **National identification no.:** Kuwaiti national identification number 261122400761 **Address:** Al-Salibekhat area, Kuwait (residence as at Mar. 2009) **Listed on:** 16 Jan. 2008 (amended on 1 Jul. 2008, 23 Jul. 2008, 25 Jan. 2010) **Other information:** Review pursuant to Security Council resolution 1822 (2008) was concluded on 14 Sep. 2009.

198. QI.M.272.09.

**Name:** 1: MOHAMMED 2: YAHYA 3: MUJAHID 4: na **Title:** na **Designation:** na **DOB:** 12 Mar. 1961 **POB:** Lahore, Punjab Province, Pakistan **Good quality a.k.a.:** Mohammad Yahya Aziz **Low quality a.k.a.:** na **Nationality:** Pakistani **Passport no.:** na **National identification no.:** Pakistani national identification number 35404-1577309-9 **Address:** na **Listed on:** 29 Jun. 2009 **Other information:** Associated with Lashkar-e-



- Tayyiba (QE.L.118.05). In detention as at June 2009.
199. QI.M.119.03.  
**Name:** 1: ARIS 2: MUNANDAR 3: na 4: na  
**Title:** na **Designation:** na **DOB:** a) 1 Jan. 1971 b) Between 1962 and 1968 **POB:** Sambu, Boyolali, Java, Indonesia **Good quality a.k.a.:** na **Low quality a.k.a.:** na **Nationality:** na **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 9 Sept. 2003 (amended on 9 Sept. 2005 and 4 Oct. 2006) **Other information:** na
200. QI.M.120.03.  
**Name:** 1: ABDUL HAKIM 2: MURAD 3: na 4: na  
**Title:** na **Designation:** na **DOB:** 11 Apr. 1968 **POB:** Kuwait **Good quality a.k.a.:** a) Murad, Abdul Hakim Hasim b) Murad, Abdul Hakim Ali Hashim c) Murad, Abdul Hakim al Hashim d) Saeed Akman e) Saeed Ahmed f) Abdul Hakim Ali alHashem Murad **Low quality a.k.a.:** na **Nationality:** Pakistani **Passport no.:** a) Pakistani passport number 665334 issued in Kuwait b) Pakistani passport number 917739 issued in Pakistan on 8 Aug. 1991, expired on 7 Aug. 1996 **National identification no.:** na **Address:** na **Listed on:** 9 Sep. 2003 (amended on 16 May 2011) **Other information:** Mother's name is Aminah Ahmad Sher al-Baloushi. In custody of the United States. Review pursuant to Security Council resolution 1822 (2008) was concluded on 25 May 2010.
201. QI.M.196.05.  
**Name:** 1: ALI 2: SAYYID 3: MUHAMED 4: MUSTAFA BAKRI  
**Title:** na **Designation:** na **DOB:** 18 Apr. 1966 **POB:** Beni-Suef, Egypt **Good quality A.k.a.:** a) Ali Salim b) Abd Al-Aziz alMasri **Low quality A.k.a.:** na **Nationality:** Egyptian **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 29 Sep. 2005 (amended on 13 Dec. 2011) **Other information:** Member of the Shura Council of Al-Qaida (QE.A.4.01.) and Egyptian Islamic Jihad (QE.A.3.01). Review pursuant to Security Council resolution 1822 (2008) was concluded on 1 Jun. 2010.
202. QI.M.89.03.  
**Name:** 1: ABDELGHANI 2: MZOUZI 3: na 4: na  
**Title:** na **Designation:** na **DOB:** 6 Dec. 1972 **POB:** Marrakesh, Morocco **Good quality a.k.a.:** a) Abdelghani Mazwati b) Abdelghani Mazuti c) Talha **Low quality a.k.a.:** na **Nationality:** Mo-

roccan **Passport no.:** Moroccan passport number F 879567 issued in Marrakesh, Morocco, issued on 29 Apr. 1992 **National identification no.:** Moroccan National Identity Card number E 427689, issued on 20 Mar. 2001 by the Moroccan Consulate General in Düsseldorf, Germany **Address:** Morocco **Listed on:** 10 Jun. 2003 (amended on 26 Nov. 2004, 18 Aug. 2006, 10 Jun. 2011) **Other information:** Father's name is Abdeslam Ahmed. Mother's name is Aicha Hammou. After his acquittal he left Germany for Morocco in Jun. 2005. Review pursuant to Security Council resolution 1822 (2008) was concluded on 29 Jul. 2010.

203. QI.N.165.04.

**Name:** 1: YACINE 2: AHMED 3: NACER 4: na

**Title:** na **Designation:** na **DOB:** 2 Dec. 1967 **POB:** Annaba, Algeria **Good quality a.k.a.:** Yacine di Annaba **Low quality a.k.a.:** a) Il Lungo b) Naslano **Nationality:** Algerian **Passport no.:** na **National identification no.:** na **Address:** Number 6 Rue Mohamed Khemisti, Annaba, Algeria **Listed on:** 17 Mar. 2004 (amended on 26 Nov. 2004, 21 Dec. 2007, 25 Jan. 2010, 16 May 2011) **Other information:** Reportedly residing in Algeria as of 2009. Father's name is Ahmed Nacer Abderrahmane. Mother's name is Hafsi Mabrouka. Review pursuant to Security Council resolution 1822 (2008) was concluded on 28 Sep. 2009.

204. QI.N.280.10.

**Name:** 1: TAYEB 2: NAIL 3: na 4: na

**Title:** na **Designation:** na **DOB:** Approximately 1972 **POB:** Faidh El Batma, Djelfa, Algeria **Good quality a.k.a.:** a) Djaafar Abou Mohamed b) Abou Mouhadjir c) Mohamed Ould Ahmed Ould Ali, born in 1976 **Low quality a.k.a.:** na **Nationality:** Algerian **Passport no.:** na **National identification no.:** na **Ad-dress:** Mali **Listed on:** 22 Apr. 2010 **Other information:** Convicted in absentia by Algerian tribunal on 28 Mar. 1996. Algerian international arrest warrant number 04/09 of 6 Jun. 2009 issued by the Tribunal of Sidi Mhamed, Algiers, Algeria. Algerian extradition request number 2307/09 of 3 Sep. 2009, presented to Malian authorities. INTERPOL File No. 19230/2009 of 26 June 2009; Control No. A-1818/6-2009. Father's name was Benazouz Nail. Mother's name is Belkheiri Oum El Kheir. Member of The Organization of Al-Qaida in the Islamic Maghreb (Q.E.T.14.01.)

205. Deleted
206. QI.O.298.11.  
**Name:** 1: ABD AL-RAHMAN 2: OULD MUHAMMAD ALHUSAYN 3: OULD MUHAMMAD SALIM 4: na  
**Title:** na **Designation:** na **DOB:** Approximately 1981 **POB:** Saudi Arabia **Good quality a.k.a.:** a) Abdarrahmane ould Mohamed el Houcein ould Mohamed Salem b) Yunis al-Mauritani; Younis al-Mauritani; Sheikh Yunis al-Mauritani; Shaykh Yunis the Mauritanian **Low quality a.k.a.:** a) Salih the Mauritanian b) Mohamed Salem c) Youssef Ould Abdel Jelil d) El Hadj Ould Abdel Ghader e) Abdel Khader f) Abou Souleimane g) Chingheity **Nationality:** Mauritanian **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 15 Sep. 2011 **Other information:** Pakistan-based senior Al-Qaida (QE.A.4.01.) leader also associated with The Organization of Al-Qaida in the Islamic Maghreb (QE.T.14.01.). Wanted by Mauritanian authorities.
207. QI.P.242.08.  
**Name:** 1: DINNO AMOR 2: ROSALEJOS 3: PAREJA 4: na  
**Title:** na **Designation:** na **DOB:** 19 Jul. 1981 **POB:** Cebu City, Philippines **Good quality A.k.a.:** a) Johnny Pareja b) Khalil Pareja **Low quality A.k.a.:** a) Mohammad b) Akmad c) Mighty d) Rash **Nationality:** Filipino **Passport no.:** na **National identification no.:** na **Address:** Atimonana, Quezon Province, Philippines **Listed on:** 4 Jun. 2008 (amended on 3 Jun. 2009, 13 Dec. 2011) **Other information:** Member of the Rajah Solaiman Movement (QE.R.128.08.). Father's name is Amorsolo Jarabata Pareja. Mother's name is Leonila Cambaya Rosalejos. Review pursuant to Security Council resolution 1822 (2008) was concluded on 13 May 2010.
208. QI.P.294.11.  
**Name:** 1: UMAR 2: PATEK 3: na 4: na  
**Title:** na **Designation:** na **DOB:** 20 July 1966 **POB:** Central Java, Indonesia **Good quality a.k.a.:** a) Omar Patek b) Mike Arsalan c) Hisyam Bin Zein d) Anis Alawi Jafar **Low quality a.k.a.:** a) Pa'tek b) Pak Taek c) Umar Kecil d) Al Abu Syekh Al Zacky e) Umangis Mike **Nationality:** Indonesian **Passport no.:** na **National identification no.:** na **Address:** Indonesia **Listed on:** 19 Jul. 2011 (amended on 23 Feb. 2012) **Other information:** Senior member of Jemaah Islamiyah (QEj.92.02.) involved in planning and funding multiple terrorist attacks in the

pines and Indonesia. Provided training to Abu Sayyaf Group (QE.A.1.01.). In custody in Indonesia as at Feb. 2012.

209. Deleted

210. QI.Q.271.09.

**Name:** 1: ARIF 2: QASMANI 3: na 4: na

**Title:** na **Designation:** na **DOB:** Approximately 1944 **POB:** Pakistan **Good quality a.k.a.:** a) Muhammad Arif Qasmani b) Muhammad 'Arif Qasmani c) Mohammad Arif Qasmani d) Arif Umer e) Qasmani Baba f) Memon Baba g) Baba Ji **Low quality a.k.a.:** na **Nationality:** Pakistani **Passport no.:** na **National identification no.:** na **Address:** House Number 136, KDA Scheme No. 1, Tipu Sultan Road, Karachi, Pakistan **Listed on:** 29 Jun. 2009 **Other information:** Associated with Lashkar-e-Tayyiba (QE.L.118.05.) and Al-Qaida (QE.A.4.01.). In detention as at June 2009.

211. QI.Q.297.11.

**Name:** 1: HASSAN 2: MUHAMMAD 3: ABU BAKR 4: QAYED

**Title:** na **Designation:** na **DOB:** a) 1963 b) 1969 **POB:** Marzaq, Libyan Arab Jamahiriya **Good quality a.k.a.:** a) Hasan Muhammad Abu Bakr Qa'id b) Al-Husain Muhammad Abu Bakr Qayid c) Muhammad Hassan Qayed d) Mohammad Hassan Abu Bakar e) Hasan Qa'id f) Muhammad Hasan al-Libi **Low quality a.k.a.:** a) Abu Yahya al-Libi (prominently known by this nom de guerre) b) Abu Yahya c) Sheikh Yahya d) Abu Yahya Yunis al-Sahrawi e) Abu Yunus Rashid f) al-Rashid g) Abu al-Widdan h) Younes Al-Sahrawi; Younes Al-Sahraoui **Nationality:** Libyan **Passport no.:** Libyan passport number 681819/88 **National identification no.:** Libyan national identification number 5617/87 **Address:** Wadi 'Ataba, Libya, (previous location in 2004) **Listed on:** 15 Sep. 2011 **Other information:** Senior Al-Qaida (QE.A.4.01.) leader who, as of late 2010, was responsible for the supervision of other senior Al-Qaida officials. As of 2010, AlQaida commander in Pakistan and provider of financial assistance to Al-Qaida fighters in Afghanistan. Has also been a top AlQaida strategist and field commander in Afghanistan, and instructor at Al-Qaida training camp. Mother's name is Al-Zahra Amr Al-Khourri (a.k.a. al Zahra' Umar).

211a. QI.R.303.12.

**Name:** 1: FAZAL 2: RAHIM 3: na 4: na

- Title:** na **Designation:** na **DOB:** a) 5 Jan. 1974 b) 1977 c) 1975 d) 24 Jan. 1973 **POB:** Kabul, Afghanistan **Good quality a.k.a.:** a) Fazil Rahim; Fazil Rahim b) Fazil Rahman **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** Afghan passport number R512768 **National identification no.:** na **Address:** a) Afghanistan/Pakistan border region (previous address) b) A2, City Computer Plaza, Shar-e-Now, Kabul, Afghanistan (previous address) c) Microrayan 3rd, Apt. 45, block 21, Kabul, Afghanistan (previous address) **Listed on:** 6 Mar. 2012 **Other information:** Was a financial facilitator for the Islamic Movement of Uzbekistan (QE.I.10.01.) and Al-Qaida (QE.A.4.01.). Was associated with Tohir Abdulkhalilovich Yuldashev (QI.T.36.01.). As of late 2010, in custody of Pakistani authorities. Father's name is Fazal Ahmad.
212. QI.R.103.03.  
**Name:** 1: AHMED 2: HOSNI 3: RARRBO 4: na  
**Title:** na **Designation:** na **DOB:** 12 Sep. 1974 **POB:** Bologhine, Algeria **Good quality a.k.a.:** a) Rarrbo Abdallah b) Rarrbo Abdullah c) Rarrbo Ahmed Hosni, born 12 Sep. 1974 in France **Low quality a.k.a.:** na **Nationality:** Algerian **Passport no.:** na **National identification no.:** na **Address:** Algeria **Listed on:** 25 Jun. 2003 (amended on 17 Oct. 2007, 7 Apr. 2008, 21 Oct. 2010) **Other information:** Review pursuant to Security Council resolution 1822 (2008) was concluded on 15 Jun. 2010.
213. QI.A.199.05.  
**Name:** 1: ATA 2: ABDOULAZIZ 3: RASHID 4: na  
**Title:** na **Designation:** na **DOB:** 1 Dec. 1973 **POB:** Sulaimaniya, Iraq **Good quality A.k.a.:** a) Ata Abdoul Aziz Barzingy b) Abdoulaziz Ata Rashid, born 1 Dec. 1973 **Low quality A.k.a.:** na **Nationality:** Iraqi **Passport no.:** German travel document ("Reiseausweis") A 0020375 **National identification no.:** na **Address:** In prison in Germany **Listed on:** 6 Dec. 2005 (amended on 21 Oct. 2008, 13 Dec. 2011) **Other information:** Member of Ansar Al-Islam (QE.A.98.03). Sentenced on 15 Jul. 2008 to 10 years imprisonment in Germany. Review pursuant to Security Council resolution 1822 (2008) was concluded on 30 Jul. 2009.
214. QI.R.75.02.  
**Name:** 1: ABDELHALIM 2: HAFED  
3: ABDELFATTAH 4: REMADNA

**Title:** na **Designation:** na **DOB:** 2 Apr. 1966 **POB:** Biskra, Algeria **Good quality a.k.a.:** Abdelhalim Remadna **Low quality a.k.a.:** Jalloul **Nationality:** Algerian **Passport no.:** na **National identification no.:** na **Address:** Algeria **Listed on:** 3 Sep. 2002 (amended on 12 Apr. 2006, 7 Apr. 2008, 3 Jun. 2009, 25 Jan. 2010, 23 Dec. 2010) **Other information:** Deported from Italy to Algeria on 12 Aug. 2006. Review pursuant to Security Council resolution 1822 (2008) was concluded on 8 Dec. 2009.

215. Q.I.R.219.06.

**Name:** 1: TAUFIK 2: RIFKI 3: na 4: na

**Title:** na **Designation:** na **DOB:** 19 Aug. 1974 **POB:** Dacusuman Surakarta, Central Java, Indonesia **Good quality A.k.a.:**

**a)** Refke, Taufek **b)** Rifqi, Taufik **c)** Rifqi, Tawfiq **d)** Ami Iraq **e)** Ami Irza **f)** Amy Erja **g)** Ammy Erza **h)** Ammy Izza **i)** Ami Kusoman **j)** Abu Obaida **k)** Abu Obaidah **l)** Abu Obeida **m)** Abu Ubaidah **n)** Obaidah **o)** Abu Obayda **p)** Izza Kusoman **q)** Yacub, Eric **Low quality A.k.a.:** na **Nationality:** Indonesian **Passport no.:** na **National identification no.:** na **Address:** Philippines **Listed on:** 21 Apr. 2006 (amended on 13 Dec. 2011) **Other information:** In detention in the Philippines as at May 2011. Review pursuant to Security Council resolution 1822 (2008) was concluded on 8 Jun. 2010.

216. Q.I.R.150.03.

**Name:** 1: AL-AZHAR 2: BEN KHALIFA 3: BEN AHMED 4: ROUINE

**Title:** na **Designation:** na **DOB:** 20 Nov. 1975 **POB:** Sfax, Tunisia **Good quality a.k.a.:** na **Low quality a.k.a.:** **a)** Salmane **b)** Lazhar **Nationality:** Tunisian **Passport no.:** Tunisian passport number P182583, issued on 13 Sep. 2003, expired on 12 Sep. 2007 **National identification no.:** na **Address:** Tunisia **Listed on:** 12 Nov. 2003 (amended on 20 Dec. 2005, 21 Dec. 2007, 30 Jan. 2009, 16 May 2011) **Other information:** Sentenced to six years and ten months of imprisonment for membership of a terrorist association by the Appeal Court of Milan, Italy, on 7 Feb. 2008. Considered a fugitive from justice by the Italian authorities as at Jul. 2008. Under administrative control measure in Tunisia as at 2010. Review pursuant to Security Council resolution 1822 (2008) was concluded on 21 Jun. 2010.

217. Q.I.R.186.05.

**Name:** 1: ABU 2: RUSDAN 3: na 4: na

- Title:** na **Designation:** na **DOB:** 16 Aug. 1960 **POB:** Kudus, Central Java, Indonesia **Good quality a.k.a.:** a) Abu Thoriq b) Rusdjan c) Rusjan d) Rusydan e) Thoriquddin f) Thoriquiddin g) Thoriquidin h) Toriquddin **Low quality a.k.a.:** na **Nationality:** na **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 16 May 2005 **Other information:** na
218. QI.A.2.01.  
**Name:** 1: AMIN 2: MUHAMMAD 3: UL HAQ 4: SAAM KHAN  
**Title:** na **Designation:** na **DOB:** 1960 **POB:** Nangarhar Province, Afghanistan **Good quality a.k.a.:** a) Al-Haq, Amin b) Amin, Muhammad **Low quality a.k.a.:** a) Dr. Amin b) Ul-Haq, Dr. Amin **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 25 Jan. 2001 (amended on 18 Jul. 2007, 16 Dec. 2010) **Other information:** Security coordinator for Usama bin Laden (QI.B.8.01). Repatriated to Afghanistan in February 2006. Review pursuant to Security Council resolution 1822 (2008) was concluded on 15 Jun. 2010.
219. QI.A.20.01.  
**Name:** 1: MOHAMMAD 2: HAMDI 3: MOHAMMAD SADIQ 4: SADIQ ALAHDAL  
**Title:** na **Designation:** na **DOB:** 19 Nov. 1971 **POB:** Medina, Saudi Arabia **Good quality a.k.a.:** a) Al-Hamati, Muhammad b) Muhammad Muhammad Abdullah Al-Ahdal c) Mohamed Mohamed Abdullah Al-Ahdal **Low quality a.k.a.:** a) Abu Asim Al- Makki b) Ahmed **Nationality:** Yemeni **Passport no.:** Yemeni passport number 541939 issued in Al-Hudaydah, Yemen, issued on 31 Jul. 2000 in the name of Muhammad Muhammad Abdullah Al-Ahdal **National identification no.:** Yemeni identity card number 216040 **Address:** Jamal street, Al-Dahima alley, Al-Hudaydah, Yemen **Listed on:** 17 Oct. 2001 (amended on 30 Jan. 2009, 25 Jan. 2010) **Other information:** Responsible for the finances of Al-Qa'ida (QE.A.4.01) in Yemen. Accused of involvement in the attack on the USS Cole in 2000. Arrested in Yemen in Nov. 2003. Sentenced to three years and one month of imprisonment by the specialized criminal court of first instance in Yemen. Released on 25 Dec. 2006 after the completion of his sentence.
220. QI.S.263.08.  
**Name:** 1: HAFIZ 2: MUHAMMAD 3: SAEED 4: na

**Title:** na **Designation:** na **DOB:** 5 Jun. 1950 **POB:** Sargodha, Punjab, Pakistan **Good quality a.k.a.:** a) Hafiz Mohammad Sahib b) Hafiz Mohammad Sayid c) Hafiz Muhammad d) Hafiz Saeed e) Hafez Mohammad Saeed f) Hafiz Mohammad Sayeed g) Tata Mohammad Syeed h) Mohammad Sayed i) Muhammad Saeed **Low quality a.k.a.:** Hafiz Ji **Nationality:** Pakistani **Passport no.:** na **National identification no.:** Pakistani national identification number 3520025509842-7 **Address:** House No. 116E, Mohalla Johar, Lahore, Tehsil, Lahore City, Lahore District, Pakistan, (location as at May 2008) **Listed on:** 10 Dec. 2008 (amended on 17 Jul. 2009) **Other information:** Muhammad Saeed is the leader of Lashkar-e-Tayyiba (QE.L.118.05).

221. Q.I.S.208.05.

**Name:** 1: RADULAN 2: SAHIRON 3: na 4: na

**Title:** na **Designation:** na **DOB:** a) 1955 b) approximately 1952 **POB:** Kaunayan, Patikul, Jolo Island, the Philippines **Good quality a.k.a.:** a) Radullan Sahiron b) Radulan Sahirun c) Radullan Sajirun d) Commander Putol **Low quality a.k.a.:** na **Nationality:** Filipino **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 6 Dec. 2005 **Other information:** na

222. Q.I.S.222.06.

**Name:** 1: NESSIM 2: BEN ROMDHANE 3: SAHRAOUI 4: na **Title:** na **Designation:** na **DOB:** 3 Aug. 1973 **POB:** Bizerta, Tunisia **Good quality A.k.a.:** a) Dass b) Nasim al-Sahrawi **Low quality A.k.a.:** na **Nationality:** Tunisian **Passport no.:** na **National identification no.:** na **Address:** Tunisia **Listed on:** 2 Aug. 2006 (amended on 1 Sep. 2009, 25 Jan. 2010, 13 Dec. 2011) **Other information:** Considered a fugitive from justice by the Italian authorities and sentenced in absentia to 6 years detention on 20 Nov. 2008. Sentenced in Tunisia to 4 years imprisonment for terrorist activity and in detention in Tunisia as at Jun. 2009. Review pursuant to Security Council resolution 1822 (2008) was concluded on 20 Jul. 2009.

223. Deleted

224. Q.I.S.148.03.

**Name:** 1: NESSIM 2: BEN MOHAMED 3: AL-CHERIF BEN MOHAMED 4: SALEH AL-SAADI

**Title:** na **Designation:** na **DOB:** 30 Nov. 1974 **POB:** Haidra AlQasreen, Tunisia **Good quality a.k.a.:** a) Nassim Saadi b) Dial el Haak George, born 20 Nov. 1974 in Lebanon c) Dial el Haak



- George, born 30 Nov. 1974 in Lebanon **d)** El Dia Haak George, born 30 Nov. 1974 in Algeria **Low quality a.k.a.: a)** Abou Anis **b)** Abu Anis **Nationality:** Tunisian **Passport no.:** Tunisian passport number M788331, issued on 28 Sep. 2001, expired 27 Sep. 2006 **National identification no.:** na **Address: a)** Via Monte Grappa 15, Arluno (Milan), Italy **b)** Via Cefalonia 11, Milan, Italy (Domicile, last known address) **Listed on:** 12 Nov. 2003 (amended on 20 Dec. 2005, 31 Jul. 2006, 21 Dec. 2007, 3 Jun. 2009, 16 May 2011) **Other information:** Arrested on 9 Oct. 2002. In detention in Italy until 27 Apr. 2012 Sentenced in absentia to 20 years of imprisonment by the Tunis Military Court on 11 May 2005 for membership of a terrorist organization. Father's name is Mohamed Sharif. Mother's name is Fatima. Review pursuant to Security Council resolution 1822 (2008) was concluded on 21 Jun. 2010.
225. QI.S.209.05.  
**Name:** 1: JAINAL 2: ANTEL 3: SALI JR. 4: na  
**Title:** na **Designation:** na **DOB:** 1 Jun. 1965 **POB:** Barangay Lanote, Bliss, Isabela, Basilan, the Philippines **Good quality a.k.a.: a)** Abu Solaiman **b)** Abu Solyman **c)** Apong Solaiman **d)** Apung **Low quality a.k.a.: na** **Nationality:** Filipino **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 6 Dec. 2005 (amended on 23 Feb. 2009) **Other information:** Reportedly deceased in 2007.
226. QI.S.244.08.  
**Name:** 1: HILARION 2: DEL ROSARIO 3: SANTOS III 4: na  
**Title:** Amir **Designation:** na **DOB:** 12 Mar. 1966 **POB:** 686 A. Mabini Street, Sangandaan, Caloocan City, Philippines **Good quality A.k.a.: a)** Akmad Santos **b)** Ahmed Islam **c)** Ahmad Islam Santos **d)** Abu Hamsa **e)** Hilarion Santos III **f)** Abu Abdullah Santos **g)** Faisal Santos **Low quality A.k.a.: a)** Lakay **b)** Aki **c)** Aqi **Nationality:** Filipino **Passport no.:** Filipino passport number AA780554 **National identification no.:** na **Ad-dress:** 50, Purdue Street, Cubao, Quezon City, Philippines **Listed on:** 4 Jun. 2008 (amended on 13 Dec. 2011) **Other information:** Founder and leader of the Rajah Solaiman Movement (QE.R.128.08.) and linked to the Abu Sayyaf Group (QE.A.1.01.). In detention in the Philippines as of May 2011. Review pursuant to Security Council resolution 1822 (2008) was concluded on 13 May 2010.

227. Q.I.S.1.01.  
**Name:** 1: SAYF-AL ADL 2: na 3: na 4: na  
**Title:** na **Designation:** na **DOB:** 1963 **POB:** Egypt **Good quality a.k.a.:** Saif AL'Adil **Low quality a.k.a.:** na **Nationality:** Thought to be an Egyptian national **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 25 Jan. 2001 (amended on 16 Dec. 2010) **Other information:** Responsible for Usama bin Laden's (Q.I.B.8.01) security. Review pursuant to Security Council resolution 1822 (2008) was concluded on 15 Jun. 2010.
228. Q.I.S.260.08.  
**Name:** 1: DANIEL 2: MARTIN 3: SCHNEIDER 4: na  
**Title:** na **Designation:** na **DOB:** 9 Sep. 1985 **POB:** Neunkirchen (Saar), Germany **Good quality A.k.a.:** na **Low quality A.k.a.:** Abdullah **Nationality:** German **Passport no.:** German passport number 2318047793 issued in Friedrichsthal, Germany, issued on 17 May 2006, expired on 16 May 2011. **National identification no.:** German Federal Identity Card number 2318229333 issued in Friedrichsthal, Germany, issued on 17 May 2006, expired on 16 May 2011 (reported lost). **Address: a)** In prison in Germany (since Sep. 2007). **b)** Petrusstrasse 32, 66125 Herrensohr, Dudweiler, Saarbrücken, Germany (previous address) **Listed on:** 27 Oct. 2008 (amended on 13 Dec. 2011) **Other information:** Associated with the Islamic Jihad Union (IJU), also known as the Islamic Jihad Group (Q.E.I.119.05.). Associated with Fritz Martin Gelowicz (Q.I.G.259.08.) and Adem Yilmaz (Q.I.Y.261.08.). In detention in Germany as of Jun. 2010.
229. Q.I.S.270.09.  
**Name:** 1: ATILLA 2: SELEK 3: na 4: na  
**Title:** na **Designation:** na **DOB:** 28 Feb. 1985 **POB:** Ulm, Germany **Good quality A.k.a.:** na **Low quality A.k.a.:** Muaz **Nationality:** German **Passport no.:** German passport number 7020142921 issued in Ulm, Germany, valid until 3 Dec. 2011 **National identification no.:** German national identity card number (Bundespersonalausweis Nr.) 702092811, issued in Ulm, Germany, expired on 6 Apr. 2010 **Address:** Kauteräckerweg 5, 89077 Ulm, Germany **Listed on:** 18 Jun. 2009 (amended on 25 Jan. 2010, 13 Dec. 2011) **Other information:** Member of the Islamic Jihad Union (IJU), also known as the Islamic Jihad Group (Q.E.I.119.05.). In detention in Germany as of Jun. 2010.

230. QI.S.128.03.  
**Name:** 1: ISMAIL 2: ABDALLAH 3: SBAITAN 4: SHALABI  
**Title:** na **Designation:** na **DOB:** 30 Apr. 1973 **POB:** Beckum, Germany **Good quality a.k.a.:** a) Ismain Shalabe, born 30 Apr. 1973 in Beckum b) Ismail Abdallah Sbaitan Shalabi, born 30 Apr. 1973 in Beckum **Low quality a.k.a.:** na **Nationality:** Jordanian of Palestinian origin **Passport no.:** a) Passport of the Hashemite Kingdom of Jordan no. E778675, issued in Rusaifah on 23 Jun. 1996, valid until 23 Jun. 2001 b) Passport of the Hashemite Kingdom of Jordan no. H401056, JOR 9731050433, issued on 11 Apr. 2001, valid until 10 Apr. 2006 **National identification no.:** na **Address:** Germany **Listed on:** 23 Sep. 2003 (amended on 10 Jun. 2011) **Other information:** Father's name is Abdullah Shalabi. Mother's name is Ammnihi Shalabi. Associated with Djamel Moustfa (QI.M.129.03), Mohamed Abu Dhess (QI.A.130.03) and Aschraf al-Dagma (QI.A.132.03). Review pursuant to Security Council resolution 1822 (2008) was concluded on 21 Jun. 2010.
231. QI.A.17.01.  
**Name:** 1: THARWAT 2: SALAH 3: SHIHATA 4: ALIna  
**Title:** na **Designation:** na **DOB:** 29 Jun. 1960 **POB:** Egypt **Good quality a.k.a.:** a) Tarwat Salah Abdallah b) Salah Shihata Thirwat c) Shahata Thirwat d) Tharwat Salah Shihata Ali (previously listed as) **Low quality a.k.a.:** na **Nationality:** Egyptian **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 6 Oct. 2001 (amended on 26 Nov. 2004, 16 Dec. 2010) **Other information:** Review pursuant to Security Council resolution 1822 (2008) was concluded on 15 Jun. 2010.
232. QI.S.122.03.  
**Name:** 1: PARLINDUNGAN 2: SIREGAR 3: na 4: na  
**Title:** na **Designation:** na **DOB:** a) 25 Apr. 1967 b) 25 Apr. 1957 **POB:** Indonesia **Good quality a.k.a.:** a) Siregar, Parlin b) Sire-gar, Saleh Parlindungan **Low quality a.k.a.:** na **Nationality:** Indonesian **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 9 Sep. 2003 **Other information:** na
233. QI.S.124.03.  
**Name:** 1: YAZID 2: SUFAAT 3: na 4: na  
**Title:** na **Designation:** na **DOB:** 20 Jan. 1964 **POB:** Johor, Malaysia **Good quality a.k.a.:** na **Low quality a.k.a.:** a) Joe b) Abu Zufar **Nationality:** Malaysian **Passport no.:** A 10472263 Na-

**tional identification no.:** 640120-01-5529 **Address:** Taman Bukit Ampang, State of Selangor, Malaysia (as at Apr. 2009) **Listed on:** 9 Sep. 2003 (amended on 3 May 2004, 1 Feb. 2008, 10 Aug. 2009, 25 Jan. 2010, 16 May 2011) **Other information:** Review pursuant to Security Council resolution 1822 (2008) was concluded on 19 Jun. 2009.

234. Q.I.S.235.07.

**Name:** 1: MUHAMMAD 2: 'ABDALLAH 3: SALIH 4: SUGHAYR

**Title:** na **Designation:** na **DOB:** 20 Aug. 1972 **POB:** AlKarawiya, Oneiza, Saudi Arabia **Good quality A.k.a.:** a) Muhammad' Abdallah Salih Al-Sughayir b) Muhammad' Abdallah Salih Al-Sughair c) Muhammad' Abdallah Salih Al-Sughayer d) Mohd Al-Saghir e) Muhammad Al-Sugayer f) Muhammad 'Abdallah Salih Al-Sughair g) Muhammad 'Abdallah Salih AlSugair h) Muhammad 'Abdallah Salih Al-Suqayr i) Mohammad Abdullah S Ssughayer **Low quality A.k.a.:** a) Abu Bakr b) Abu Abdullah **Nationality:** Saudi Arabian **Passport no.:** Saudi Arabian passport number E864131, issued on 30 Dec. 2001, expired on 6 Nov. 2006 **National identification no.:** na **Address:** Saudi Arabia **Listed on:** 9 Oct. 2007 (amended on 20 Feb. 2008, 13 Dec. 2011) **Other information:** Involved in the financing of, arms supply to, recruitment for and otherwise provided assistance to the Abu Sayyaf Group (QE.A.1.01.). Review pursuant to Security Council resolution 1822 (2008) was concluded on 14 Sep. 2009.

235. Deleted

236. Q.I.S.123.03.

**Name:** 1: YASSIN 2: SYWAL 3: na 4: na

**Title:** na **Designation:** na **DOB:** Approximately 1972 **POB:** na **Good quality a.k.a.:** a) Salim Yasin b) Mochtar Yasin Mahmud c) Abdul Hadi Yasin d) Muhamad Mubarak e) Muhammad Syawal **Low quality a.k.a.:** a) Abu Seta b) Mahmud c) Abu Muamar **Nationality:** Indonesian **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 9 Sept. 2003 **Other information:** na

237. Q.I.T.57.02.

**Name:** 1: IBRAHIM 2: ALI 3: ABU BAKR 4: TANTOUSH **Title:** na **Designation:** na **DOB:** 1966 **POB:** al Aziziyya, Libyan Arab Jamahiriya **Good quality a.k.a.:** a) Abd al-Muhsin b) Ibrahim Ali Muhammad Abu Bakr c) Abdul Rahman d) Abu

- Anas **e)** Ibrahim Abubaker Tantouche **f)** Ibrahim Abubaker Tantouche **g)** ‘Abd al-Muhsi **h)** ‘Abd al-Rahman **Low quality a.k.a.:** Al-Libi **Nationality:** Libyan **Passport no.:** Libyan passport number 203037 issued in Tripoli **National identification no.:** na **Address:** Johannesburg, South Africa **Listed on:** 11 Jan. 2002 (amended on 31 Jul. 2006, 4 Oct. 2006, 16 May 2011) **Other information:** Associated with Afghan Support Committee (ASC) (QE.A.69.02.), Revival of Islamic Heritage Society (RIHS) (QE.R.70.02.) and the Libyan Islamic Fighting Group (LIFG) (QE.L.11.01.). Review pursuant to Security Council resolution 1822 (2008) was concluded on 8 Jun. 2010.
238. QI.T.241.08.  
**Name:** 1: ANGELO 2: RAMIREZ 3: TRINIDAD 4: na  
**Title:** na **Designation:** na **DOB:** 20 Mar. 1978 **POB:** Gattaran, Cagayan Province, Philippines **Good quality A.k.a.:** **a)** Calib Trinidad **b)** Kalib Trinidad **Low quality A.k.a.:** **a)** Abdul Khalil **b)** Abdukahli **c)** Abu Khalil **d)** Anis **Nationality:** Filipino **Passport no.:** na **National identification no.:** na **Address:** 3111 Ma. Bautista, Punta, Santa Ana, Manila, Philippines **Listed on:** 4 Jun. 2008 (amended on 13 Dec. 2011) **Other information:** Distinguishing marks include scars on both legs. Member of the Rajah Solaiman Movement (QE.R.128.08.), and associated with the Abu Sayyaf Group (QE.A.1.01.) and the Jemaah Islamiyah (listed under permanent reference number QEj.92.02.). In detention in the Philippines as of May 2011. Review pursuant to Security Council resolution 1822 (2008) was concluded on 13 May 2010.
239. QI.T.56.01.  
**Name:** 1: MOHAMMED 2: TUFMAIL 3: na 4: na  
**Title:** na **Designation:** na **DOB:** 5 May 1930 **POB:** na **Good quality a.k.a.:** **a)** Tufail, S.M. **b)** Tuffail, Sheik Mohammed **Low quality a.k.a.:** na **Nationality:** Pakistani **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 24 Dec. 2001 (amended on 19 Jan. 2011) **Other information:** Served as a director of Ummah Tameer e-Nau (UTN) (QE.U.68.01). Review pursuant to Security Council resolution 1822 (2008) was concluded on 1 Jun. 2010.
240. Deleted
241. QI.U.290.11.  
**Name:** 1: DOKU 2: KHAMATOVICH 3: UMAROV 4: na

**Title:** na **Designation:** na **DOB:** 12 May 1964 **POB:** Kharsenoy Village, Shatoyskiy (Sovetskiy) District, Chechenskaya Uespub-lica, Russian Federation **Good quality a.k.a.:** na **Low quality a.k.a.:** na **Nationality:** a) Russian b) USSR (until 1991) **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:**

10 Mar. 2011 **Other information:** Resides in the Russian Federation as at Nov. 2010. International arrest warrant issued in the year 2000.

242. QI.U.287.10.

**Name:** 1: WALI 2: UR REHMAN 3: na 4: na

**Title:** na **Designation:** na **DOB:** Approximately 1970 **POB:** Pakistan **Good quality a.k.a.:** na **Low quality a.k.a.:** na **Nationality:** Pakistani **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 21 Oct. 2010 (amended on 29 Jul. 2011) **Other information:** Reportedly born in South Waziristan, Pakistan, and believed to be residing in Pakistan. Emir of Tehrik-e Taliban Pakistan (TTP) (QE.T.132.11.) for South Waziristan Agency, Federally Administered Tribal Areas, Pakistan.

243. QI.M.31.01.

**Name:** 1: OMAR 2: MAHMOUD 3: UTHMAN 4: na

**Title:** na **Designation:** na **DOB:** a) 30 Dec. 1960 b) 13 Dec. 1960 **POB:** Bethlehem, West Bank, Palestinian Territories **Good quality a.k.a.:** a) Al-Samman Uthman b) Umar Uthman c) Omar Mohammed Othman **Low quality a.k.a.:** a) Abu Qatada Al-Filistini b) Abu Umr Takfiri c) Abu Omar Abu Umar d) Abu Umar Umar e) Abu Ismail **Nationality:** Jordanian **Passport no.:** na **National identification no.:** na **Address:** United Kingdom (since 1993) **Listed on:** 17 Oct. 2001 (amended on 14 Mar. 2008, 24 Mar. 2009, 25 Jan. 2010) **Other information:** Associated with Al-Qaida-related groups in the United Kingdom and other countries. Convicted in absentia in Jordan for involvement in terrorist acts in 1998. Arrested in Feb. 2001 in the United Kingdom, was further detained between Oct. 2002 and Mar. 2005 and between Aug. 2005 and Jun. 2008. In custody in the United Kingdom since Dec. 2008 pending the outcome of deportation proceedings (as at Mar. 2009). Review pursuant to Security Council resolution 1822 (2008) was concluded on 19 Oct. 2009.

244. QI.W.125.03.

**Name:** 1: WAN MIN 2: WAN MAT 3: na 4: na

**Title:** na **Designation:** na **DOB:** 23 Sept. 1960 **POB:** Kelantan,

- Malaysia **Good quality a.k.a.:** na **Low quality a.k.a.:** a) Abu Hafis b) Wan Halim c) Abu Hidayah **Nationality:** Malaysian **Passport no.:** A 9703399 **National identification no.:** 600923-03-5527 **Address:** Ulu Tiram, Johor, Malaysia **Listed on:** 9 Sept. 2003 **Other information:** na
245. QI.Y.37.01.  
**Name:** 1: ABDUL RAHMAN 2: YASIN 3: na 4: na  
**Title:** na **Designation:** na **DOB:** 10 Apr. 1960 **POB:** Bloomington, Indiana, United States of America **Good quality a.k.a.:**  
**a)** Taha, Abdul Rahman S. **b)** Taher, Abdul Rahman S. **c)** Yasin, Abdul Rahman Said **d)** Yasin, Aboud **Low quality a.k.a.:** na **Nationality:** United States of America **Passport no.:** 27082171 (United States of America, issued on 21 Jun. 1992 in Amman, Jordan) **National identification no.:** SSN 156-92-9858 (United States of America) **Address:** na **Listed on:** 17 Oct. 2001 (amended on 10 Apr. 2003) **Other information:** Abdul Rahman Yasin is in Iraq.
246. QI.Y.261.08.  
**Name:** 1: ADEM 2: YILMAZ 3: na 4: na  
**Title:** na **Designation:** na **DOB:** 4 Nov. 1978 **POB:** Bayburt, Turkey **Good quality A.k.a.:** na **Low quality A.k.a.:** Talha  
**Nationality:** Turkish **Passport no.:** Turkish passport number TR-P 614 166, issued by the Turkish Consulate General in Frankfurt/M. on 22 Mar. 2006, expired on 15 Sep. 2009. **National identification no.:** na **Address:** **a)** In prison in Germany (since Sep. 2007). **b)** Südliche Ringstrasse 133, 63225 Langen, Germany (previous address) **Listed on:** 27 Oct. 2008 (amended on 13 Dec. 2011) **Other information:** Associated with the Islamic Jihad Union (IJU), also known as the Islamic Jihad Group (QE.I.119.05.). Associated with Fritz Martin Gelowicz (QI.G.259.08.) and Daniel Martin Schneider (QI.S.260.08.). In detention in Germany as of Jun. 2010.
247. QI.M.205.05.  
**Name:** 1: RAFIK 2: MOHAMAD 3: YOUSEF 4: na  
**Title:** na **Designation:** na **DOB:** 27 Aug. 1974 **POB:** Baghdad, Iraq **Good quality A.k.a.:** Mohamad Raifc Kairadin **Low quality A.k.a.:** na **Nationality:** Iraqi **Passport no.:** German travel document ("Reiseausweis") A 0092301 **National identification no.:** na **Address:** In prison in Germany **Listed on:** 6 Dec. 2005 (amended on 21 Oct. 2008, 13 Dec. 2011) **Other information:**

Member of Ansar Al-Islam (QE.A.98.03). Sentenced on 15 Jul. 2008 to 8 years imprisonment in Germany. Review pursuant to Security Council resolution 1822 (2008) was concluded on 30 Jul. 2009.

248. Deleted

249. QI.Z.127.03.

**Name:** 1: ZAINI 2: ZAKARIA 3: na 4: na

**Title:** na **Designation:** na **DOB:** 16 May 1967 **POB:** Kelantan, Malaysia **Good quality a.k.a.:** na **Low quality a.k.a.:** Ahmad **Nationality:** Malaysian **Passport no.:** A 11457974 **National identification no.:** 670516-03-5283 **Address:** Kota Bharu, State of Kelantan, Malaysia **Listed on:** 9 Sep. 2003 (amended on 23 Feb. 2009, 10 Aug. 2009, 16 May 2011) **Other information:** Review pursuant to Security Council resolution 1822 (2008) was concluded on 19 Jun. 2009.

250. QI.A.139.03.

**Name:** 1: IMED 2: BEN MEKKI 3: ZARCAOUI 4: na

**Title:** na **Designation:** na **DOB:** 15 Jan. 1973 **POB:** Tunis, Tunisia **Good quality a.k.a.:** a) Dour Nadre, born 15 Jan. 1974 in Morocco b) Dour Nadre, born 15 Jan. 1973 in Morocco c) Daour Nadre, born 31 Mar. 1975 in Algeria d) Imad ben al-Mekki ben al-Akhdar al-Zarkaoui (previously listed as) **Low quality a.k.a.:** a) Zarga b) Nadra **Nationality:** Tunisian **Passport no.:** Tunisian passport number M174950, issued on 27 Apr. 1999, expired on 26 Apr. 2004 **National identification no.:** na **Address:** 41-45, Rue Estienne d'Orves, Pré Saint Gervais, France **Listed on:** 12 Nov. 2003 (amended on 20 Dec. 2005, 31 Jul. 2006, 10 Aug. 2009, 16 May 2011) **Other information:** Mother's name is Zina al-Zarkaoui. Imprisoned in France since 1 Feb. 2010 on charges of criminal conspiracy in relation to a terrorist organization. Review pursuant to Security Council resolution 1822 (2008) was concluded on 6 May 2010.

251. QI.Z.168.04.

**Name:** 1: AHMAD 2: ZERFAOUI 3: na 4: na

**Title:** na **Designation:** na **DOB:** 15 Jul. 1963 **POB:** Chréa, Algeria **Good quality A.k.a.:** a) Abdullah b) Abdalla c) Smail d) Abu Khaoula e) Abu Cholder f) Nuhr **Low quality A.k.a.:** na **Nationality:** Algerian **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 3 May 2004 (amended on 12 Apr. 2006, 7 Apr. 2008, 13 Dec. 2011) **Other information:** Former



member of The Organization of Al-Qaida in the Islamic Maghreb (QE.T.14.01.). Confirmed to have died in northern Mali on 19 Sep. 2006. Review pursuant to Security Council resolution 1822 (2008) was concluded on 27 Jul. 2010.

252. QI.Z.223.06.

**Name:** 1: MERAI 2: ZOGHBAI 3: na 4: na

**Title:** na **Designation:** na **DOB:** a) 4 Apr. 1969 b) 4 Apr. 1960

c) 4 Jun. 1960 **POB:** Bengasi, Libyan Arab Jamahiriya **Good quality A.k.a.:** a) Mohamed Lebachir, born 14 Jan. 1968 in Morocco b) Meri Albdelfattah Zgbye, born 4 Jun. 1960 in Bendasi, Libyan Arab Jamahiriya c) Zoghbai Merai Abdul Fattah

d) Lazrag Faraj, born 13 Nov. 1960 in Libyan Arab Jamahiriya

e) Larzg Ben Ila, born 11 Aug. 1960 in Libyan Arab Jamahiriya

f) Muhammed El Besir **Low quality A.k.a.:** a) F'raji di

Singapore b) F'raji il Libico c) Farag d) Fredj, born 13 Nov.

1960 in Libyan Arab Jamahiriya **Nationality:** na **Passport**

**no.:** na **National identification no.:** na **Address:** na **Listed**

**on:** 2 Aug. 2006 (amended on 3 Jun. 2009, 1 Sep. 2009, 13

Dec. 2011) **Other information:** Considered a fugitive from

justice by the Italian authorities and sentenced in absentia to 6

years imprisonment on 20 Nov. 2008. Member of Libyan

Islamic Fighting Group (QE.L.11.01). Review pursuant to

Security Council resolution 1822 (2008) was concluded on 20

Jul. 2009.

253. QI.Z.187.05.

**Name:** 1: ZULKARNAEN 2: na 3: na 4: na

**Title:** na **Designation:** na **DOB:** 1963 **POB:** Gebang village,

Masaran, Sragen, Central Java, Indonesia **Good quality a.k.a.:**

a) Zulkarnan b) Zulkarnain c) Zulkarnin d) Arif Sunarso e)

Aris Sumarsono f) Aris Sunarso g) Ustad Daud Zulkarnaen h)

Murshid **Low quality a.k.a.:** na **Nationality:** Indonesian

**Passport no.:** na **National identification no.:** na **Address:**

na **Listed on:** 16 May 2005 **Other information:** na

## B. List of entities associated with Al-Qaida

1. QE.A.1.01.

**Name:** ABU SAYYAF GROUP

**A.k.a.:** Al Harakat Al Islamiyya **F.k.a.:** na **Address:** Philippines

**Listed on:** 6 Oct. 2001 (amended on 13 Dec. 2011) **Other in-**

**formation:** Associated with Jemaah Islamiyah (JI) (QEj.92.02). Current leader is Radulan Sahiron (QI.S.208.05). Review pursuant to Security Council resolution 1822 (2008) was concluded on 21 Jun. 2010.

2. QE.A.69.02.

**Name:** AFGHAN SUPPORT COMMITTEE (ASC)

**A.k.a.:** **a)** Lajnat ul Masa Eidatul Afghania **b)** Jamiat Ayat-ur-Rhas al Islamiac **c)** Jamiat Ihya ul Turath al Islamia **d)** Ahya ul Turas **F.k.a.:** na **Address:** **a)** Headquarters - G.T. Road (probably Grand Trunk Road), near Pushtoon Garhi Pabbi, Peshawar, Pakistan **b)** Cheprahar Hadda, Mia Omar Sabaqah School, Jalabad, Afghanistan **Listed on:** 11 Jan. 2002 (amended on 13 Dec. 2011) **Other information:** Associated with the Revival of Islamic Heritage Society (QE.R.70.02). Abu Bakr al-Jaziri (QI.A.58.02) served as finance chief of ASC. Review pursuant to Security Council resolution 1822 (2008) was concluded on 8 Jun. 2010.

3. QE.A.121.05.

**Name:** AL-AKHTAR TRUST INTERNATIONAL

**A.k.a.:** **a)** Al Akhtar Trust **b)** Al-Akhtar Medical Centre **c)** Akhtarabad Medical Camp **d)** Pakistan Relief Foundation **e)** Pakistani Relief Foundation **f)** Azmat-e-Pakistan Trust **g)** Azmat Pakistan Trust **F.k.a.:** na **Address:** **a)** ST-1/A, Gulsahne-Iqbal, Block 2, Karachi, 25300, Pakistan **b)** Gulistan-e-Jauhar, Block 12, Karachi, Pakistan **Listed on:** 17 Aug. 2005 (amended on 10 Dec. 2008, 13 Dec. 2011) **Other information:** Regional offices in Pakistan: Bahawalpur, Bawalnagar, Gilgit, Islamabad, Mirpur Khas, Tando-Jan-Muhammad. Akhtarabad Medical Camp is in Spin Boldak, Afghanistan. Registered by members of Jaish-i-Mohammed (QEj.19.01). Associated with Harakat ul-Mujahidin/ HUM (QE.H.8.01), Lashkar I Jhanghvi (LJ) (QE.L.96.03) and Lashkar-e-Tayyiba (QE.L.118.05). Banned in Pakistan. Review pursuant to Security Council resolution 1822 (2008) was concluded on 14 Sep. 2009.

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14. QE.A.107.04.

**Name:** AL FURQAN

**A.k.a.:** **a)** Dzemilijati Furkan **b)** Dzem'ijjetul Furqan **c)** Association for Citizens Rights and Resistance to Lies **d)** Dzemijetul Furkan **e)** Association of Citizens for the Support of Truth and Supression of Lies **f)** Sirat **g)** Association for Education, Culture and Building Society-Sirat **h)** Association for Education, Cultural, and to Create Society - Sirat **i)** Istikamet **j)** In Siratel **k)** Citizens' Association for Support and Prevention of lies - Furqan **F.k.a.:** na **Address:** **a)** 30a Put Mladih Muslimana (ex. Pavla Lukaca Street), 71 000 Sarajevo, Bosnia and Herzegovina **b)** 72 ul. Strossmajerova, Zenica, Bosnia and Herzegovina **c)** 42 Muhameda Hadzijahica, Sarajevo, Bosnia and Herzegovina **d)** 70 and 53 Strossmajerova Street, Zenica, Bosnia and Herzegovina **e)** Zlatnih Ljiljana Street, Zavidovici, Bosnia and Herzegovina **Listed on:** 11 May 2004 (amended on 26 Nov. 2004, 24 Mar. 2009) **Other information:** Registered in Bosnia and Herzegovina as a citizens' association under the name of "Citizens' Association for Support and Prevention of lies - Furqan" on 26 Sep. 1997. Al Furqan ceased its work by decision of the Ministry of Justice of the Bosnia and Herzegovina Federation (decision number 03-054-286/97 dated 8 Nov. 2002). Al Furqan was no longer in existence as at Dec. 2008.

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16. QE.A.110.04.

**Name:** AL-HARAMAIN: AFGHANISTAN BRANCH

**A.k.a.:** na **F.k.a.:** na **Address:** Afghanistan, (at time of listing) **Listed on:** 6 Jul. 2004 (amended on 21 Mar. 2012) **Other information:** Review pursuant to Security Council resolution 1822 (2008) was concluded on 22 Jun. 2010.

17. QE.A.111.04.

**Name:** AL-HARAMAIN: ALBANIA BRANCH

**A.k.a.:** na **F.k.a.:** na **Address:** Irfan Tomini Street, #58, Tirana, Albania (at time of listing) **Listed on:** 6 Jul. 2004 (amended on 21 Mar. 2012) **Other information:** Review pursuant to Security Council resolution 1822 (2008) was concluded on 22 Jun.

- 2010.
18. QE.A.109.04.  
**Name:** AL-HARAMAIN & AL MASJED AL-AQSA CHARITY FOUNDATION  
**A.k.a.:** **a)** Al Haramain Al Masjed Al Aqsa **b)** Al Haramayn Al Masjid Al Aqsa **c)** Al-Haramayn and Al Masjid Al Aqsa Charitable Foundation **d)** Al Harammein Al Masjed Al-Aqsa Charity Foundation **F.k.a.:** na **Address:** **a)** Branch Address: 2A Hasiba Brankovica, Sarajevo, Bosnia and Herzegovina **b)** 14 Bihacka Street, Sarajevo, Bosnia and Herzegovina **c)** 64 Potur mahala Street, Travnik, Bosnia and Herzegovina **d)** Zenica, Bosnia and Herzegovina **Listed on:** 28 Jun. 2004 (amended on 26 Nov. 2004, 16 Sep. 2008, 24 Mar. 2009) **Other information:** Used to be officially registered in Bosnia and Herzegovina under registry number 24. Al-Haramain & Al Masjed Al-Aqsa Charity Foundation ceased its work by decision of the Ministry of Justice of the Bosnia and Herzegovina Federation (decision on cessation of operation number 03-05-2-203/04). It was no longer in existence as at Dec. 2008. Its premises and humanitarian activities were transferred under Government supervision to a new entity called Sretna Buducnost.
19. QE.A.112.04.  
**Name:** AL-HARAMAIN: BANGLADESH BRANCH  
**A.k.a.:** na **F.k.a.:** na **Address:** House 1, Road 1, S-6, Uttara, Dhaka, Bangladesh (at time of listing) **Listed on:** 6 Jul. 2004 (amended on 21 Mar. 2012) **Other information:** Review pursuant to Security Council resolution 1822 (2008) was concluded on 22 Jun. 2010.
20. QE.A.113.04.  
**Name:** AL-HARAMAIN: ETHIOPIA BRANCH  
**A.k.a.:** na **F.k.a.:** na **Address:** Woreda District 24 Kebele Section 13, Addis Ababa, Ethiopia (at time of listing) **Listed on:** 6 Jul. 2004 (amended on 21 Mar. 2012) **Other information:** Review pursuant to Security Council resolution 1822 (2008) was concluded on 22 Jun. 2010.
21. QE.A.103.04.  
**Name:** AL-HARAMAIN FOUNDATION (INDONESIA)  
**A.k.a.:** Yayasan Al-Manahil-Indonesia **F.k.a.:** na **Address:** Jalan Laut Sulawesi Blok DII/4, Kavling Angkatan Laut Duren Sawit, Jakarta Timur 13440 Indonesia (at time of listing); Tel:

- 021-86611265 and 021-86611266; Fax.: 021-8620174 **Listed on:** 26 Jan. 2004 (amended on 21 Mar. 2012) **Other information:** Review pursuant to Security Council resolution 1822 (2008) was concluded on 22 Jun. 2010.
22. QE.A.104.04.  
**Name:** AL-HARAMAIN FOUNDATION ( PAKISTAN)  
**A.k.a.:** na **F.k.a.:** na **Address:** House #279, Nazimuddin Road, F-10/1, Islamabad, Pakistan (at time of listing) **Listed on:** 26 Jan. 2004 (amended on 21 Mar. 2012) **Other information:** Review pursuant to Security Council resolution 1822 (2008) was concluded on 19 Oct. 2009.
23. QE.A.116.04.  
**Name:** AL-HARAMAIN FOUNDATION (UNION OF THE COMOROS)  
**A.k.a.:** na **F.k.a.:** na **Address:** B/P: 1652 Moroni, Union of the Comoros (at time of listing) **Listed on:** 28 Sep. 2004 (amended on 21 Mar. 2012) **Other information:** Review pursuant to Security Council resolution 1822 (2008) was concluded on 22 Jun. 2010.
24. QE.A.117.04.  
**Name:** AL-HARAMAIN FOUNDATION (UNITED STATES OF AMERICA)  
**A.k.a.:** na **F.k.a.:** na **Address:** a) 1257 Siskiyou Blvd., Ashland, OR 97520, United States of America b) 3800 Highway 99 S, Ashland, OR 97520, United States of America c) 2151 E Division St., Springfield, MO 65803, United States of America **Listed on:** 28 Sep. 2004 (amended on 25 Jan. 2010) **Other information:** The United States-based branch of Al-Haramain Foundation was formally established by Suliman Hamd Suleiman al-Buthe (QIA.179.04) and another associate in 1997. Review pursuant to Security Council resolution 1822 (2008) was concluded on 19 Oct. 2009.
25. QE.A.71.02.  
**Name:** AL-HARAMAIN ISLAMIC FOUNDATION  
**A.k.a.:** a) Vazir b) Vezir **F.k.a.:** na **Address:** a) 64 Poturmahala, Travnik, Bosnia and Herzegovina b) Sarajevo, Bosnia and Herzegovina **Listed on:** 13 Mar. 2002 (amended on 26 Dec. 2003, 16 Sep. 2008, 16 Jun. 2011) **Other information:** Under criminal investigation by the authorities of Bosnia and Herzegovina as of Nov. 2007. Employees and associates include Najib Ben Mo-

- hamed Ben Salem Al-Waz (listed under permanent reference number QI.A.104.03.). Review pursuant to Security Council resolution 1822 (2008) was concluded on 22 Jun. 2010.
26. QE.A.72.02.  
**Name:** AL-HARAMAIN ISLAMIC FOUNDATION (SOMALIA)  
**A.k.a.:** na **F.k.a.:** na **Address:** Somalia **Listed on:** 13 Mar. 2002 (amended on 13 Dec. 2011) **Other information:** The founder and former leader is Aqeel Abdulaziz Aqeel al-Aqeel (QI.A.171.04). Review pursuant to Security Council resolution 1822 (2008) was concluded on 22 Jun. 2010.
27. QE.A.114.04.  
**Name:** AL-HARAMAIN: THE NETHERLANDS BRANCH  
**A.k.a.:** Stichting Al Haramain Humanitarian Aid **F.k.a.:** na **Address:** Jan Hanzenstraat 114, 1053SV, Amsterdam, The Netherlands (at time of listing) **Listed on:** 6 Jul. 2004 (amended on 13 Apr. 2012) **Other information:** The founder and former leader is Aqeel Abdulaziz Aqeel al-Aqeel (QI.A.171.04) who was also chairman of its board of directors. Review pursuant to Security Council resolution 1822 (2008) was concluded on 28 Jun. 2010.
28. QE.A.105.04.  
**Name:** AL-HARAMAYN FOUNDATION (KENYA)  
**A.k.a.:** na **F.k.a.:** na **Address:** a) Nairobi, Kenya, (at time of listing) b) Garissa, Kenya, (at time of listing) c) Dadaab, Kenya, (at time of listing) **Listed on:** 26 Jan. 2004 (amended on 21 Mar. 2012) **Other information:** Review pursuant to Security Council resolution 1822 (2008) was concluded on 22 Jun. 2010.
29. QE.A.106.04.  
**Name:** AL-HARAMAYN FOUNDATION ( TANZANIA)  
**A.k.a.:** na **F.k.a.:** na **Address:** a) P.O. Box 3616, Dar es Salaam, Tanzania (at time of listing) b) Tanga (at time of listing) c) Singida (at time of listing) **Listed on:** 26 Jan. 2004 (amended on 21 Mar. 2012) **Other information:** Review pursuant to Security Council resolution 1822 (2008) was concluded on 22 Jun. 2010.
30. QE.A.2.01.  
**Name:** AL-ITIHAAD AL-ISLAMIYA / AIAI  
**A.k.a.:** na **F.k.a.:** na **Address:** na **Listed on:** 6 Oct. 2001 (amended on 21 Dec. 2007, 13 Dec. 2011) **Other information:**

- Reported to operate in Somalia and Ethiopia. Leadership includes Hassan Abdullah Hersi Al-Turki (QI.A.172.04.) and Hassan Dahir Aweys (QI.D.42.01.). AIAI has received funds through the Al-Haramain Islamic Foundation (Somalia) (QE.A.72.02). Review pursuant to Security Council resolution 1822 (2008) was concluded on 21 Jun. 2010.
31. QE.A.4.01.  
**Name:** AL-QAIDA  
**A.k.a.: a)** "The Base" **b)** Al Qaeda **c)** Islamic Salvation Foundation **d)** The Group for the Preservation of the Holy Sites **e)** The Islamic Army for the Liberation of Holy Places **f)** The World Islamic Front for Jihad Against Jews and Crusaders **g)** Usama Bin Laden Network **h)** Usama Bin Laden Organization **i)** Al Qa'ida **j)** Al Qa'ida/Islamic Army (formerly listed as) **F.k.a.:** na  
**Address:** na **Listed on:** 6 Oct. 2001 (amended on 5 Mar. 2009, 21 Mar. 2012) **Other information:** Review pursuant to Security Council resolution 1822 (2008) was concluded on 21 Jun. 2010.
32. QEj.115.04.  
**Name:** AL-QAIDA IN IRAQ  
**A.k.a.: a)** AQI **b)** al-Tawhid **c)** the Monotheism and Jihad Group **d)** Qaida of the Jihad in the Land of the Two Rivers **e)** Al-Qaida of Jihad in the Land of the Two Rivers **f)** The Organization of Jihad's Base in the Country of the Two Rivers **g)** The Organization Base of Jihad/Country of the Two Rivers **h)** The Organiza-  
tion Base of Jihad/Mesopotamia **i)** Tanzim Qa'idat Al-Jihad fi Bilad al-Rafidayn **j)** Tanzeem Qa'idat al Jihad/Bilad al Raafidaini **k)** Jama'at Al-Tawhid Wa'al-Jihad **l)** JTJ **m)** Islamic State of Iraq  
**n)** ISI **o)** al-Zarqawi network **F.k.a.:** na **Address:** na **Listed on:** 18 Oct. 2004 (amended on 2 Dec. 2004, 5 Mar. 2009, 13 Dec. 2011) **Other information:** Review pursuant to Security Council resolution 1822 (2008) was concluded on 25 May 2010.
33. QE.A.129.10.  
**Name:** AL-QAIDA IN THE ARABIAN PENINSULA (AQAP)  
**A.k.a.: a)** Al-Qaida of Jihad Organization in the Arabian Peninsula **b)** Tanzim Qa'idat al-Jihad fi Jazirat al-Arab **c)** Al-Qaida Organization in the Arabian Peninsula (AQAP) **d)** Al-Qaida in the South Arabian Peninsula **e)** Ansar al-Shari'a (AAS) **F.k.a.:** Al-Qaida in Yemen (AQY) **Address:** na **Listed on:** 19 Jan. 2010 **Other information:** AQAP is a regional affiliate of Al-Qaida

(QE.A.4.01) and an armed group operating primarily in Arabian Peninsula. Location: Yemen. Alternative location: Saudi Arabia (2004 - 2006). Formed in Jan. 2009 when Al-Qaida in Yemen combined with Saudi Arabian Al-Qaida operatives. Leader of AQAP is Nasir 'abd-al-Karim 'Abdullah Al-Wahishi (QI.A.274.10.) and his deputy is Said Ali Al-Shihri (QI.A.275.10.). Ansar alShari'a was formed in early 2011 by AQAP and has taken responsibility for multiple attacks in Yemen against both government and civilian targets.

34. QE.A.5.01.

**Name:** AL RASHID TRUST

**A.k.a.:** **a)** Al-Rasheed Trust **b)** Al-Rashid Trust **c)** Aid Organization of the Ulema, Pakistan **d)** Al Amin Welfare Trust **e)** Al Amin Trust **f)** Al Ameen Trust **g)** Al-Ameen Trust **h)** Al Rasheed Trust **i)** Al Madina Trust **j)** Al-Madina Trust **F.k.a.:** na **Ad-dress:** **a)** Kitas Ghar, Nazimabad 4, Dahgel-Iftah, Karachi, Pakistan **b)** Jamia Maajid, Sulalman Park, Melgium Pura, Lahore, Pakistan **c)** Office Dha'rbi-M'unin, Opposite Khyber Bank, Abbottabad Road, Mansehra, Pakistan **d)** Office Dha'rbi-M'unin ZR Brothers, Katcherry Road, Chowk Yadgaar, Peshawar, Pakistan **e)** Office Dha'rbi-M'unin, Rm No. 3, Moti Plaza, Near Liaquat Bagh, Muree Road, Rawalpindi, Pakistan **f)** Office Dha'rbi-M'unin, Top Floor, Dr. Dawa Khan Dental Clinic Surgeon, Main Baxae, Mingora, Swat, Pakistan **g)** Kitab Ghar, Darul Ifta Wal Irshad, Nazimabad No. 4, Karachi, Pakistan, Phone 6683301; Phone 0300-8209199; Fax 6623814 **h)** 302b-40, Good Earth Court, Opposite Pia Planitarium, Block 13a, Gulshan -I Igbal, Karachi, Pakistan; Phone 4979263 **i)** 617 Clifton Center, Block 5, 6th Floor, Clifton, Karachi, Pakistan; Phone 587-2545 **j)** 605 Landmark Plaza, 11 Chundrigar Road, Opposite Jang Building, Karachi, Pakistan; Phone 2623818-19 **k)** Jamia Masjid, Sulaiman Park, Begum Pura, Lahore, Pakistan; Phone 042-6812081 **Listed on:** 6 Oct. 2001 (amended on 21 Oct. 2008, 10 Dec. 2008, 13 Dec. 2011) **Other information:** Headquarters are in Pakistan. Operations in Afghanistan: Herat Jalalabad, Kabul, Kandahar, Mazar Sherif. Also operations in Kosovo, Chechnya. Involved in the financing of Al-Qaida and the Taliban. Until 21 Oct. 2008, this entity appeared also as "Aid Organization of the Ulema, Pakistan" (QE.A.73.02.), listed on 24 Apr. 2002 and amended on 25 Jul. 2006. The two entries Al Rashid Trust (QE.A.5.01.) and



- Aid Organization of the Ulema, Pakistan (QE.A.73.02.) were consolidated into this entity on 21 Oct. 2008. Founded by Mufti Rashid Ahmad Ledahyanoy (QLL.30.01). Associated with Jaishi-Mohammed (QEj.19.01). Banned in Pakistan since Oct. 2001. Despite the closure of its offices in Pakistan in February 2007 it has continued its activities. Review pursuant to Security Council resolution 1822 (2008) was concluded on 6 May 2010.
35. QE.A.98.03.  
**Name:** ANSAR AL-ISLAM  
**A.k.a.:** a) Devotees of Islam b) Jund al-Islam c) Soldiers of Islam d) Kurdistan Supporters of Islam e) Supporters of Islam in Kurdistan f) Followers of Islam in Kurdistan g) Kurdish Taliban h) Soldiers of God i) Ansar al-Sunna Army j) Jaish Ansar al-Sunna k) Ansar al-Sunna **F.k.a.:** na **Address:** na **Listed on:** 24 Feb. 2003 (amended on 31 Mar. 2004, 5 Mar. 2009, 18 Mar. 2009, 21 Oct. 2010, 13 Dec. 2011) **Other information:** The founder is Najmuddin Faraj Ahmad (QI.A.226.06). Associated with Al-Qaida in Iraq (QEj.115.04). Located and primarily active in northern Iraq but maintains a presence in western and central Iraq. Review pursuant to Security Council resolution 1822 (2008) was concluded on 21 Jun. 2010.
36. QE.A.6.01.  
**Name:** ARMED ISLAMIC GROUP  
**A.k.a.:** a) Al Jamm'ah Al-Islamiah Al- Musallah b) GIA c) Groupe Islamique Armé **F.k.a.:** na **Address:** Algeria **Listed on:** 6 Oct. 2001 (amended on 7 Apr. 2008, 13 Dec. 2011) **Other information:** Review pursuant to Security Council resolution 1822 (2008) was concluded on 21 Jun. 2010.
37. QE.A.7.01.  
**Name:** ASBAT AL-ANSAR  
**A.k.a.:** na **F.k.a.:** na **Address:** Ein el-Hilweh camp, Lebanon **Listed on:** 6 Oct. 2001 (amended on 30 Jan. 2009, 13 Dec. 2011) **Other information:** Active in northern Iraq. Associated with Al-Qaida in Iraq (QEj.115.04). Review pursuant to Security Council resolution 1822 (2008) was concluded on 21 Jun. 2010.
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- 5 QE.B.93.02.

**Name:** BENEVOLENCE INTERNATIONAL FOUNDATION

**A.k.a.:** a) Al Bir Al Dawalia b) BIF c) BIF-USA d) Mezhdunarodnyj Blagotvoritel'nyl Fond **F.k.a.:** na **Address:** a) 8820 Mobile Avenue, IA, Oak Lawn, Illinois, 60453, United States of America b) P.O. Box 548, Worth, Illinois, 60482, United States of America c) (Formerly located at) 9838 S. Roberts Road, Suite 1W, Palos Hills, Illinois, 60465, United States of America d) (Formerly located at) 20-24 Branford Place, Suite 705, Newark, New Jersey, 07102, United States of America e) P.O. Box 1937, Khartoum, Sudan f) Bangladesh g) Gaza Strip h) Yemen **Listed on:** 21 Nov. 2002 (amended on 24 Jan. 2003, 28 Apr. 2011) **Other information:** Employer Identification Number (United States of America): 36-3823186. Associated with Benevolence International Fund (QE.B.94.02). Review pursuant to Security Council resolution 1822 (2008) was concluded on 22 Jun. 2010.

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- 53. Deleted
- 54. QE.D.102.03.

**Name:** DJAMAT HOUMAT DAAWA SALAFIA (DHDS)  
**A.k.a.:** Djamaat Houmah Al-Dawah Al-Salafiat **F.k.a.:** Katibat el Ahouel **Address:** Algeria **Listed on:** 11 Nov. 2003 (amended on 26 Nov. 2004, 7 Apr. 2008, 25 Jan. 2010, 13 Dec. 2011) **Other information:** Associated with the Armed Islamic Group (GIA) (QE.A.6.01) and the Organization of Al-Qaida in the Islamic Maghreb (QE.T.14.01). Review pursuant to Security Council resolution 1822 (2008) was concluded on 30 Jul. 2009.

55. QE.E.88.02.  
**Name:** EASTERN TURKISTAN ISLAMIC MOVEMENT (ETIM)  
**A.k.a.:** **a)** The Eastern Turkistan Islamic Party **b)** The Eastern Turkistan Islamic Party of Allah **c)** Islamic Party of Turkestan **d)** Djamaat Turkistan **F.k.a.:** na **Address:** na **Listed on:** 11 Sep. 2002 (amended on 3 Oct. 2008, 13 Dec. 2011) **Other information:** Active in China, South Asia and Central Asia. Review pursuant to Security Council resolution 1822 (2008) was concluded on 20 May 2010.
56. QE.A.3.01.  
**Name:** EGYPTIAN ISLAMIC JIHAD  
**A.k.a.:** **a)** Egyptian Al-Jihad **b)** Jihad Group **c)** New Jihad **d)** AlJihad **e)** Egyptian Islamic Movement **F.k.a.:** na **Address:** na **Listed on:** 6 Oct. 2001 (amended on 5 Mar. 2009, 13 Dec. 2011) **Other information:** Co-founded by Aiman Muhammed Rabi alZawahiri (QI.A.6.01), who was also its military leader. Review pursuant to Security Council resolution 1822 (2008) was concluded on 21 Jun. 2010.
57. QE.E.131.11.  
**Name:** EMARAT KAVKAZ  
**A.k.a.:** na **F.k.a.:** na **Address:** na **Listed on:** 29 Jul. 2011  
**Other information:** Mainly active in the Russian Federation, Afghanistan and Pakistan. Led by Doku Khamatovich Umarov (QI.U.290.11.)
58. QE.G.91.02.  
**Name:** GLOBAL RELIEF FOUNDATION (GRF)  
**A.k.a.:** na **F.k.a.:** na **Address:** **a)** 9935 South 76th Avenue, Unit 1, Bridgeview, Illinois, 60455, United States of America **b)** P.O. Box 1406, Bridgeview, Illinois, 60455, United States of America **Listed on:** 22 Oct. 2002 (amended on 26 Nov. 2004, 20 Dec. 2005, 25 Jul. 2006, 24 Mar. 2009, 11 Mar. 2010, 25 Mar. 2010, 28 Apr. 2011, 21 Feb. 2012) **Other information:** Other Foreign Locations: Afghanistan, Bangladesh, Eritrea, Ethiopia, India, Iraq, West Bank and Gaza, Somalia and Syria. Federal Employer Identification Number (United States of America): 36-3804626. V.A.T. Number: BE 454,419,759. Review pursuant to Security Council resolution 1822 (2008) was concluded on 21 Jun. 2010.
59. QE.H.130.10.  
**Name:** HAKAKAT-UL JIHAD ISLAMII

**A.k.a.:** **a)** HUJI **b)** Movement of Islamic Holy War **c)** Harkat-ul-Jihad-al Islami **d)** Harkat-al-Jihad-ul Islami **e)** Harkat-ul-Jehad-al-Islami **f)** Harakat ul Jihad-e-Islami **F.k.a.:** **a)** Harakat-ul-Ansar **b)** HUA **Address:** na **Listed on:** 6 Aug. 2010 (amended on 13 Dec. 2011) **Other information:** Was established in Afghanistan in 1980. In 1993, Harakat-ul Jihad Islami merged with Harakat ul-Mujahidin (QE.H.8.01) to form Harakat ul-Ansar. In 1997, Harakat-ul Jihad Islami split from Harakat ul-Ansar and resumed using its former name. Operations are in India, Pakistan and Afghanistan. Banned in Pakistan.

60. QE.H.8.01.

**Name:** HAKARAT UL-MUJAHIDIN / HUM

**A.k.a.:** **a)** Al-Faran **b)** Al-Hadid **c)** Al-Hadith **d)** Harakat Ul-Ansar **e)** HUA **f)** Harakat Ul- Mujahideen **F.k.a.:** na **Address:** Pakistan **Listed on:** 6 Oct. 2001 (amended on 13 Dec. 2011) **Other information:** Associated with Jaish-i-Mohammed (QE.J.19.01), Lashkar i Jhangvi (LJ) (QE.L.96.03) and Lashkare-Tayyiba (QE.L.118.05). Active in Pakistan and Afghanistan. Banned in Pakistan. Review pursuant to Security Council resolution 1822 (2008) was concluded on 21 Jun. 2010.

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62. QE.I.127.06.

**Name:** INTERNATIONAL ISLAMIC RELIEF ORGANIZATION, INDONESIA, BRANCH OFFICE

**A.k.a.:** **a)** International Islamic Relief Agency **b)** International Relief Organization **c)** Islamic Relief Organization **d)** Islamic World Relief **e)** International Islamic Aid Organization **f)** Islamic Salvation Committee **g)** The Human Relief Committee of the Muslim World League **h)** World Islamic Relief Organization **i)** Al Igatha Al-Islamiya **j)** Hayat al-Aghatha al-Islamia al-Alamiya **k)** Hayat al-Igatha **l)** Hayat Al-Igatha **m)** Ighatha **n)** Igatha **o)** Igassa **p)** Igasa **q)** Igase **r)** Egassa **s)** IIRO **F.k.a.:** na **Address:** **a)** International Islamic Relief Organization, Indonesia Office; Jalan Raya Cipinang Jaya No. 90; East Jakarta, 13410, Indonesia **b)** P.O. Box 3654; Jakarta, 54021, Indonesia **c)** 8 Jalan Tarnan Simanjuntak Barat, Cipinang Cempedak Jakarta Timur 13340 Indonesia **Listed on:** 9 Nov. 2006 (amended on 13 Dec. 2011) **Other information:** Associated with Jemaah Islamiyah (QE.J.92.02) and the International Islamic Relief Organization, Philippines, Branch Offices (QE.I.126.06). Re-

- view pursuant to Security Council resolution 1822 (2008) was concluded on 28 Jun. 2010.
63. QE.I.126.06.  
**Name:** INTERNATIONAL ISLAMIC RELIEF ORGANIZATION, PHILIPPINES, BRANCH OFFICES  
**A.k.a.:** **a)** International Islamic Relief Agency **b)** International Relief Organization **c)** Islamic Relief Organization **d)** Islamic World Relief **e)** International Islamic Aid Organization **f)** Islamic Salvation Committee **g)** The Human Relief Committee of the Muslim World League **h)** World Islamic Relief Organization **i)** Al Igatha Al-Islamiya **j)** Hayat al-Aghatha al-Islamia al-Alamiya **k)** Hayat al-Igatha **l)** Hayat Al-Igatha **m)** Ighatha **n)** Igatha **o)** Igassa **p)** Igasa **q)** Igase **r)** Egassa **s)** IIRO **F.k.a.:** na  
**Address:** **a)** International Islamic Relief Organization, Philippines Office; 201 Heart Tower Building; 108 Valero Street; Salcedo Village, Makati City; Manila, Philippines **b)** Zamboanga City, Philippines **c)** Tawi Tawi, Philippines **d)** Marawi City, Philippines **e)** Basilan, Philippines **f)** Cotabato City, Philippines  
**Listed on:** 4 Aug. 2006 (amended on 13 Dec. 2011) **Other information:** Associated with the Abu Sayyaf Group (QE.A.1.01) and Jemaah Islamiyah (QEj.92.02). All offices closed in 2006 but as of early 2009, the IIRO office in Manila, the Philippines had reopened. Review pursuant to Security Council resolution 1822 (2008) was concluded on 28 Jun. 2010.
64. QE.I.9.01.  
**Name:** ISLAMIC ARMY OF ADEN  
**A.k.a.:** na **F.k.a.:** na **Address:** na **Listed on:** 6 Oct. 2001  
**Other information:** na
65. QE.I.99.03.  
**Name:** ISLAMIC INTERNATIONAL BRIGADE (IIB)  
**A.k.a.:** **a)** The Islamic Peacekeeping Brigade **b)** The Islamic Peacekeeping Army **c)** The International Brigade **d)** Islamic Peacekeeping Battalion **e)** International Battalion **f)** Islamic Peacekeeping International Brigade **F.k.a.:** na **Address:** na  
**Listed on:** 4 Mar. 2003 (amended on 13 Dec. 2011) **Other information:** Linked to the Riyadus-Salikhin Reconnaissance and Sabotage Battalion of Chechen Martyrs (RSRSBCM) (QE.R.100.03) and the Special Purpose Islamic Regiment (SPIR) (QE.S.101.03). Review pursuant to Security Council resolution 1822 (2008) was concluded on 17 May 2010.

66. QE.I.119.05.

**Name:** ISLAMIC JIHAD GROUP

**A.k.a.:** **a)** Jama'at al-Jihad **b)** Libyan Society **c)** Kazakh Jama'at **d)** Jamaat Mojahedin **e)** Jamiyat **f)** Jamiat al-Jihad al-Islami **g)** Dzhamaat Modzhakhedov **h)** Islamic Jihad Group of Uzbekistan **i)** al-Djihad al-Islami **j)** Zamaat Modzhakhedov Tsentralnoy Asii **k)** Islamic Jihad Union **F.k.a.:** na **Address:** na **Listed on:** 1 Jun. 2005 (amended on 19 Apr. 2006, 20 Feb. 2008, 13 Dec. 2011) **Other information:** Founded and led by Najmiddin Kamolitdinovich Jalolov (QIj.240.08) and Suhayl Fatilloevich Buranov (QI.B.239.08). Associated with the Islamic Movement of Uzbekistan (QE.I.10.01) and Emarat Kavkaz (QE.E.131.11). Active in the Afghanistan/Pakistan border area, Central Asia, South Asia region and some European States. Review pursuant to Security Council resolution 1822 (2008) was concluded on 20 May 2010.

67. QE.I.10.01.

**Name:** ISLAMIC MOVEMENT OF UZBEKISTAN

**A.k.a.:** IMU **F.k.a.:** na **Address:** na **Listed on:** 6 Oct. 2001 (amended on 13 Dec. 2011) **Other information:** Associated with the Eastern Turkistan Islamic Movement (QE.E.88.02), Islamic Jihad Group (QE.I.119.05) and Emarat Kavkaz (QE.E.131.11). Active in the Afghanistan/Pakistan border area, northern Afghanistan and Central Asia. Review pursuant to Security Council resolution 1822 (2008) was concluded on 21 Jun. 2010.

68. QEj.19.01.

**Name:** JAISH-I-MOHAMMED

**A.k.a.:** Army of Mohammed **F.k.a.:** na **Address:** Pakistan **Listed on:** 17 Oct. 2001 (amended on 13 Dec. 2011) **Other information:** Based in Peshawar and Muzaffarabad, Pakistan Associated with Harakat ul-Mujahidin / HUM (QE.H.8.01), Lashkar-e-Tayyiba (QE.L.118.05), Al-Akhtar Trust International (QE.A.121.05), and Harakat-ul Jihad Islami (QE.H.130.10). Banned in Pakistan. Review pursuant to Security Council resolution 1822 (2008) was concluded on 21 Jun. 2010.

69. QEj.20.01.

**Name:** JAM'YAH TA'AWUN AL-ISLAMIA

**A.k.a.:** **a)** Society of Islamic Cooperation **b)** Jam'iyat Al Ta'awun Al Islamiyya **c)** Jit **F.k.a.:** na **Address:** Kandahar City,

- Afghanistan **Listed on:** 17 Oct. 2001 (amended on 13 Dec. 2011) **Other information:** Founded by Usama Mohammad Awad bin Laden (Q.I.B.8.01) in 2001. Review pursuant to Security Council resolution 1822 (2008) was concluded on 21 Jun. 2010.
70. QE.J.92.02.  
**Name:** JEMAAH ISLAMİYAH  
**A.k.a.:** a) Jema'ah Islamiyah b) Jamaah Islamiya c) Jamaah Islamiyah d) Jamaah Islamiyah e) Jama'ah Islamiyah **F.k.a.:** na **Address:** na **Listed on:** 25 Oct. 2002 (amended on 13 Dec. 2011) **Other information:** Operates in Southeast Asia, including Indonesia, Malaysia and the Philippines. Associated with the Abu Sayyaf Group (QE.A.1.01). Review pursuant to Security Council resolution 1822 (2008) was concluded on 25 May 2010.
- 70a. QE.J.133.12.  
**Name:** JEMMAH ANSHORUT TAUHID (JAT)  
**A.k.a.:** a) Jamaah Anshorut Tauhid b) Jemmah Ansharut Tauhid c) Jem'mah Ansharut Tauhid d) Jamaah Ansharut Tauhid e) Jama'ah Ansharut Tauhid f) Laskar 99 **F.k.a.:** na **Address:** Jl. Semenromo number 58, 04/XV Ngruki, Cemani, Grogol, Sukoharjo, Jawa Tengah, Indonesia, Telephone: 0271-2167285, [Email: info@ansharuttauhid.com](mailto:info@ansharuttauhid.com) **Listed on:** 12 Mar. 2012 **Other information:** Founded and led by Abu Bakar Ba'asyir (Q.I.B.217.06.). Established on 27 Jul. 2008 in Solo, Indonesia. Associated with Jemmah Islamiya (JI) (QE.J.92.02.). Website: <http://ansharuttauhid.com/>
71. QE.L.97.03.  
**Name:** LAJNAT AL DAAWA AL ISLAMIYA  
**A.k.a.:** a) LDI b) Lajnat Al Dawa c) Islamic Missionary Commission **F.k.a.:** na **Address:** a) Afghanistan b) Pakistan **Listed on:** 20 Feb. 2003 (amended on 5 Mar. 2009, 13 Dec. 2011) **Other information:** Associated with the Libyan Islamic Fighting Group (QE.L.11.01). Review pursuant to Security Council resolution 1822 (2008) was concluded on 19 Jul. 2010.
72. QE.L.118.05.  
**Name:** LASHKAR-E-TAYYIBA  
**A.k.a.:** a) Lashkar-e-Toibab b) Lashkar-i-Taiba c) al Mansoorian d) al Mansooreen e) Army of the Pure f) Army of the Righteous g) Army of the Pure and Righteous h) Paasban-e-Kashmir i) Paasban-i-Ahle- Hadith j) Pasban-e-Kashmir k) Pasban-e-

Ahle-Hadith **l**) Paasban-e-Ahle-Hadis **m**) Pashan-e-ahle Hadis **n**) Lashkar e Tayyaba **o**) LET **p**) Jamaat-ud-Dawa **q**) JUD **r**) Jama,at al-Dawa **s**) Jamaat ud- Daawa **t**) Jamaat ul-Dawah **u**) Jamaat-ul-Dawa **v**) Jama,at-i-Dawat **w**) Jamaiat-ud-Dawa **x**) Jama,at-ud-Da,awah **y**) Jama,at-ud-Da,awa **z**) Jamaati-udDawa **aa**) Falah-i-Insaniat Foundation (FIF) **F.k.a.:** na **Address:** na **Listed on:** 2 May 2005 (amended on 3 Nov. 2005, 10 Dec. 2008, 14 Mar. 2012) **Other information:** Associated with Hafiz Muhammad Saeed (Q.I.S.263.08) who is the leader of Lashkar-eTayyiba. Review pursuant to Security Council resolution 1822 (2008) was concluded on 8 Jun. 2010.

73. QE.L.96.03.

**Name:** LASHKAR I JHANGVI (LJ)

**A.k.a.:** na **F.k.a.:** na **Address:** na **Listed on:** 3 Feb. 2003

(amended on 13 Dec. 2011) **Other information:** Based primarily in Pakistan's Punjab region and in the city of Karachi. Active in Pakistan although banned as at 2010. Review pursuant to Security Council resolution 1822 (2008) was concluded on 21 Jun. 2010.

74. QE.L.11.01.

**Name:** LIBYAN ISLAMIC FIGHTING GROUP

**A.k.a.:** LIFG **F.k.a.:** na **Address:** Libyan Arab Jamahiriya

**Listed on:** 6 Oct. 2001 (amended on 5 Mar. 2009, 13 Dec. 2011)

**Other information:** Members in Afghanistan merged with Al-Qaida (QE.A.4.01) in Nov. 2007. Review pursuant to Security Council resolution 1822 (2008) was concluded on 21 Jun. 2010.

75. QE.M.12.01.

**Name:** MAKHTAB AL-KHIDAMAT

**A.k.a.:** **a**) MAK **b**) Al Kifah **F.k.a.:** na **Address:** na **Listed on:** 6 Oct. 2001 (amended on 5 Mar. 2009, 13 Dec. 2011)

**Other information:** Absorbed into Al-Qaida (QE.A.4.01). Review pursuant to Security Council resolution 1822 (2008) was concluded on 21 Jun. 2010.

76. QE.M.89.02.

**Name:** MOROCCAN ISLAMIC COMBATANT GROUP

**A.k.a.:** **a**) Groupe Islamique Combattant Marocain **b**) GICM

**F.k.a.:** na **Address:** Morocco **Listed on:** 10 Oct. 2002 (amended on 5 Mar. 2009)

**Other information:** Associated with the Organization of Al-Qaida in the Islamic Maghreb (QE.T.14.01). Review pursuant to Security Council resolution 1822 (2008)



- was concluded on 20 May 2010.
77. QE.M.134.12.  
**Name:** Mouvement pour l'Unification et le Jihad en Afrique de l'Ouest (MUJAO)  
**A.k.a.:** na **F.k.a.:** na **Address: a)** Mali **b)** Algeria **Listed on:** 5 Dec. 2012 **Other information:** Associated with The Organization of Al-Qaida in the Islamic Maghreb (QE.T.14.01.) and Mokhtar Belmokhtar (QI.B.136.03.). Active in the Sahel/Sahara region.
77. Deleted
78. QE.R.21.01.  
**Name:** RABITA TRUST  
**A.k.a.:** na **F.k.a.:** na **Address: a)** Room 9a, 2nd Floor, Wahdat Road, Education Town, Lahore, Pakistan **b)** Wares Colony, Lahore, Pakistan (at time of listing) **Listed on:** 17 Oct. 2001 (amended on 21 Mar. 2012) **Other information:** Wa'el Hamza Abd al-Fatah Julaidan (QI.J.79.02) served as its Director General. Banned in Pakistan. Review pursuant to Security Council resolution 1822 (2008) was concluded on 21 Jun. 2010.
79. QE.R.128.08.  
**Name:** RAJAH SOLAIMAN MOVEMENT  
**A.k.a.:** **a)** Rajah Solaiman Islamic Movement **b)** Rajah Solaiman Revolutionary Movement **F.k.a.:** na **Address: a)** Barangay MalOng, Anda, Pangasinan Province, Philippines **b)** Sitio Dueg, Barangay Maasin, San Clemente, Tarlac Province, Philippines **c)** Number 50, Purdue Street, Cubao, Quezon City, Philippines **Listed on:** 4 Jun. 2008 (amended on 13 Dec. 2011) **Other information:** Founded and headed by Hilarion Del Rosario San-tos III (QI.S.244.08). Associated with the Abu Sayyaf Group (QE.A.1.01.) and Jemaah Islamiyah (QE.J.92.02.) the International Islamic Relief Organization, Philippines, branch offices (QE.I.126.06.) and Khadafi Abubakar Janjalani (QI.J.180.04.). Review pursuant to Security Council resolution 1822 (2008) was concluded on 13 May 2010.
80. Deleted
81. QE.R.70.02.  
**Name:** REVIVAL OF ISLAMIC HERITAGE SOCIETY  
**A.k.a.:** **a)** Revival of Islamic Society Heritage on the African Continent **b)** Jamia Ihya ul Turath **c)** RIHS **d)** Jamiat Ihia Al-Turath Al-Islamiya **F.k.a.:** na **Address: a)** Pakistan **b)** Afghanistan **Listed on:** 11 Jan. 2002 (amended on 25 Jul. 2006, 5 Mar.

2009, 13 Dec. 2011) **Other information:** NOTE: Only the Pakistan and Afghanistan offices of this entity are designated. Associated with Abu Bakr al-Jaziri (QI.A.58.02) and Afghan Support Committee (ASC) (QE.A.69.02). Review pursuant to Security Council resolution 1822 (2008) was concluded on 8 Jun. 2010.

82. QE.R.100.03.

**Name:** RIYADUS-SALIKHIN RECONNAISSANCE AND SABOTAGE BATTALION OF CHECHEN MARTYRS (RSRSBCM)

**A.k.a.:** **a)** Riyadus-Salikhin Reconnaissance and Sabotage Battalion **b)** Riyadh-as-Saliheen **c)** The Sabotage and Military Surveillance Group of the Riyadh al-Salihin Martyrs **d)** Firqat alTakhrib wa al-Istitla al-Askariyah li Shuhada Riyadh al-Salihin **e)** Riyadus-Salikhin Reconnaissance and Sabotage battalion of Shahids (martyrs) **F.k.a.:** na **Address:** na **Listed on:** 4 Mar. 2003 (amended on 25 Jul. 2006, 13 Dec. 2011) **Other information:** Associated with the Islamic International Brigade (IIB) (QE.I.99.03), the Special Purpose Islamic Regiment (SPIR) (QE.S.101.03) and Emarat Kavkaz (QE.E.131.11). Review pursuant to Security Council resolution 1822 (2008) was concluded on 17 May 2010.

83. QE.S.124.06.

**Name:** SANABEL RELIEF AGENCY LIMITED

**A.k.a.:** **a)** Sanabel Relief Agency **b)** Sanabel L'il-Igatha **c)** SRA **d)** Sara **e)** Al-Rahama Relief Foundation Limited **F.k.a.:** na **Address:** **a)** 63 South Rd, Sparkbrook, Birmingham B 111 EX, United Kingdom **b)** 1011 Stockport Rd, Levenshulme, Manchester M9 2TB, United Kingdom **c)** P.O. Box 50, Manchester M19 25P, United Kingdom **d)** 98 Gresham Road, Middlesbrough, United Kingdom **e)** 54 Anson Road, London, NW2 6AD, United Kingdom **Listed on:** 7 Feb. 2006 (amended on 25 Jan. 2010) **Other information:** Charity number: 1083469. Registration number: 03713110. Associated with the Libyan Islamic Fighting Group (LIFG) (QE.L.11.01). Review pursuant to Security Council resolution 1822 (2008) was concluded on 28 Sep. 2009.

84. Deleted

85. QE.S.101.03.

**Name:** SPECIAL PURPOSE ISLAMIC REGIMENT (SPIR) **A.k.a.:** **a)** The Islamic Special Purpose Regiment **b)** The al-

- Jihad-Fisi-Sabilillah Special Islamic Regiment **c)** Islamic Regiment of Special Meaning **F.k.a.:** na **Address:** na **Listed on:** 4 Mar. 2003 (amended on 25 Jul. 2006, 13 Dec. 2011) **Other information:** Linked to the Islamic International Brigade (IIB) (QE.I.99.03) and the Riyadus-Salikhin Reconnaissance and Sabotage Battalion of Chechen Martyrs (RSRSBCM) (QE.R.100.03). Review pursuant to Security Council resolution 1822 (2008) was concluded on 17 May 2010.
86. QE.T.108.04.  
**Name:** TAIBAH INTERNATIONAL-BOSNIA OFFICES  
**A.k.a.:** **a)** Taibah International Aid Agency **b)** Taibah International Aid Association **c)** Al Taibah, Intl. **d)** Taibah Interna-  
 tional Aide Association **F.k.a.:** na **Address:** **a)** 6 Avde Smajlovica Street, Novo Sarajevo, Bosnia and Herzegovina **b)** 26 Tabhanska Street, Visoko, Bosnia and Herzegovina **c)** 3 Velika Cilna Ulica, Visoko, Bosnia and Herzegovina **d)** 26 Tabhanska Street, Visoko, Bosnia and Herzegovina **Listed on:** 11 May 2004 (amended on 24 Mar. 2009) **Other information:** In 2002-2004, Taibah International - Bosnia offices used premises of the Culture Home in Hadzici, Sarajevo, Bosnia and Herzegovina. The organization was officially registered in Bosnia and Herzego-  
 vina as a branch of Taibah International Aid Association under registry number 7. Taibah International - Bosnia offices ceased its work by decision of the Ministry of Justice of the Bosnia and Herzegovina Federation (decision on cessation of operation number 03-05-2-70/03).
87. QE.T.132.11.  
**Name:** TEHRIK-E TALIBAN PAKISTAN (TTP)  
**A.k.a.:** **a)** Tehrik-I-Taliban Pakistan **b)** Tehrik-e-Taliban **c)** Pakistani Taliban **d)** Tehreek-e-Taliban **F.k.a.:** na **Address:** na  
**Listed on:** 29 Jul. 2011 **Other information:** Tehrik-e Taliban is based in the tribal areas along the Afghanistan/Pakistan border. Formed in 2007, its leader is Hakimullah Mehsud (Q.I.M.286.10.). Wali Ur Rehman (Q.I.U.287.10.) is the Emir of TTP for South Waziristan.
88. QE.T.14.01.  
**Name:** THE ORGANIZATION OF AL-QAIDA IN THE ISLAMIC MAGHREB

- A.k.a.:** **a)** AQIM **b)** Al Qaïda au Maghreb islamique (AQMI)  
**F.k.a.:** **a)** Le Groupe Salafiste pour La Prédication et le Combat (GSPC) **b)** Salafist Group For Call and Combat **Address:**  
**a)** Algeria **b)** Mali **c)** Mauritania **d)** Morocco **e)** Niger **f)** Tunisia  
**Listed on:** 6 Oct. 2001 (amended on 26 Apr. 2007, 7 Apr. 2008, 17 Jul. 2009, 13 Dec. 2011) **Other information:** Headed by Abdelmalek Droukdel (QI.D.232.07.). Zone of operation includes Algeria and parts of Mali, Mauritania, Niger, Tunisia and Morocco. Review pursuant to Security Council resolution 1822 (2008) was concluded on 21 Jun. 2010.
89. QE.T.90.02.  
**Name:** TUNISIAN COMBATANT GROUP  
**A.k.a.:** **a)** Groupe Combattant Tunisien **b)** Groupe Islamiste Combattant Tunisien **c)** GICT **F.k.a.:** na **Address:** Tunisia  
**Listed on:** 10 Oct. 2002 (amended on 26 Nov. 2004, 5 Mar. 2009, 13 Dec. 2011) **Other information:** Associated with the Organization of Al-Qaida in the Islamic Maghreb (QE.T.14.01). Review pursuant to Security Council resolution 1822 (2008) was concluded on 6 May 2010.
90. QE.U.68.01.  
**Name:** UMMAH TAMEER E-NAU (UTN)  
**A.k.a.:** na **F.k.a.:** na **Address:** **a)** Street 13, Wazir Akbar Khan, Kabul, Afghanistan **b)** Pakistan **Listed on:** 24 Dec. 2001 (amended on 13 Dec. 2011) **Other information:** Its directors included Mahmood Sultan Bashir-Ud-Din (QI.B.55.01), Majeed Abdul Chaudhry (QI.A.54.01) and Mohammed Tufail (QI.T.56.01). Banned in Pakistan. Review pursuant to Security Council resolution 1822 (2008) was concluded on 21 Jun. 2010.
91. QE.W.15.01.  
**Name:** WAFI HUMANITARIAN ORGANIZATION  
**A.k.a.:** **a)** Al Wafa **b)** Al Wafa Organization **c)** Wafa Al-Igatha Al-Islamia **F.k.a.:** na **Address:** **a)** Jordan House No. 125, Street 54, Phase II Hayatabad, Peshawar, Pakistan (at time of listing) **b)** Saudi Arabia (at time of listing) **c)** Kuwait (at time of listing) **d)** United Arab Emirates (at time of listing) **e)** Afghanistan (at time of listing) **Listed on:** 6 Oct. 2001 (amended on 21 Mar. 2012) **Other information:** Headquarters was in Kandahar, Afghanistan as at 2001. Wafa was a component of Al-Qaida (QE.A.4.01) in 2001. Review pursuant to Security Council resolution 1822 (2008) was concluded on 21 Jun. 2010

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# Liechtenstein Law Gazette

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## Law

of 25 November 2005

### on Asset Management (Asset Management Act; AMA)

#### Article 6

##### *Licensing criteria and procedure*

1) A license for operating an asset management company shall be granted on application if:

- a) the company is set up in the legal form of a corporation, collective or limited partnership;
- b) the central administration and registered office of the asset management company are located in Liechtenstein;
- c) the company has a domestic operating establishment which is suitable in terms of personnel and size and its organization is suitable for carrying out its duties;
- d) the management consists of at least two persons who have legal capacity and are trustworthy. At least one of the directors must actually work in the company in a management capacity and meet the requirements pursuant to article 7. The management can consist of one manager only if it is proven that solid and prudent management of the asset management company is secured as well as its continuation, for the event that the manager should lose his capacity to act, through a continuous suitable deputy or succession plan;
- e) there is a business plan setting out, at least, the organizational structure of the asset management company. This must contain, in particular, details of the organization, marketing and market implementation as well as the financial planning and financing for the first three financial years;
- f) an external auditing body has been appointed pursuant to article 43;
- g) there is an overview of the ownership structure of the company. If there are close connections between the asset management company and other natural or legal persons, this must not prevent the FMA from properly exercising its supervisory function;<sup>1</sup>
- h) the professional and personal qualities of the persons entrusted with the management of an asset management company must always guarantee sound and proper business operation;
- i) evidence is provided of sufficient capital pursuant to article 8;
- k) initial capital of at least 100,000 Swiss francs or the equivalent in euros or US dollars has been paid in full and in cash. The initial capital is composed of the capital paid in including any premiums – exclusive of cumulative preferential shares – and any reserves and profit carried forward. Where the asset management company additionally operates the re-insurance or other insurance brokerage, it shall require additional initial capital of 50,000 Swiss francs or the equivalent in euros or US dollars paid in full and in cash; and<sup>2</sup>
- l) the company does not have any further special statutory licenses pursuant to the Act on Trustees, Lawyers, Patent Lawyers or Auditors and Auditing Companies.

1a) The criteria for a license pursuant to (1) must be met at all times.<sup>3</sup>

2) The original of the application and the documents to be submitted shall be provided. The documents may not be more than three months old. The FMA can request a certified translation of applications in a foreign language.

<sup>1</sup> Article 6, paragraph 1(g) amended by LGBl. 2009 No. 185.

<sup>2</sup> Article 6, paragraph 1(k) amended by LGBl. 2007 No. 267.

<sup>3</sup> Article 6, paragraph 1a inserted by LGBl. 2009 No. 185.

3) A decision shall be made on the granting of a license within six months of receipt of the complete documents submitted at the latest.

4) The FMA shall keep a register of the licensed asset management companies. This register shall be publicly available and shall be updated on a monthly basis. It can be inspected on request.

5) The Government shall regulate further details by ordinance.

#### **IV. Revocation, expiration and withdrawal of licenses**

##### Article 29

###### *Revocation*

1) The FMA may revoke licenses if:

- a) the license holder obtained the license dishonestly by providing false information or in another unlawful manner; or
- b) material circumstances were not known at the time when the license was granted.

2) The revocation of a license shall be published in the official publication organs at the expense of the license holder.

##### Article 30

###### *Expiration*

1) The license shall expire if:

- a) business activities have not been initiated within one year;
- b) business activities have no longer been undertaken for at least six months;
- c) the license is renounced in writing;
- d) bankruptcy proceedings have been initiated; or
- e) the business has been canceled in the Public Registry; or<sup>1</sup>
- f) the asset management company is transformed into a fund management company.

2) In justified cases the FMA can extend the periods provided in (1) (a) and (b) at request.

3) The expiration of a license shall be published in the official publication organs at the expense of the license holder.

##### Article 31

###### *Withdrawal*

1) The license shall be withdrawn by the FMA if:

- a) the preconditions for granting the license are no longer fulfilled;
- b) the license holder systematically and seriously violates the legal obligations; or
- c) the license holder fails to comply with the FMA's demands to restore a lawful state of affairs.

2) The withdrawal of a license shall be published in the official publication organs at the expense of the license holder.

##### Article 32

###### *Compulsory termination*

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<sup>1</sup> Article 30, paragraph 1(e) amended by LGBl. 2013 No. 6.

1) A company that performs activities under article 3 (1) without a license may be terminated by the FMA if the purpose of this Act so requires. In urgent cases, this may be done without prior warning and without imposing a deadline.

2) The FMA shall take the measures necessary for liquidation and the settlement of current transactions, and it shall issue the requisite instructions to the liquidator.

## VIII. Penal provisions

### Article 62

#### *Misdemeanors and infractions*

1) The Court of Justice shall punish with imprisonment of up to one year or with a fine of up to 360 daily rates for committing a misdemeanor anyone who:

- a) as a member of a governing body of, an employee of, or any other person acting on behalf of an asset management company, or as an auditor violates secrecy obligations or who induces or attempts to induce such a violation;
- b) provides or arranges a service within the meaning of article 3 (1) without license; or
- c) contrary to article 3 (3) accepts or holds assets of third parties.

2) The Court of Justice shall punish with imprisonment of up to six months or with a fine of up to 180 daily rates for committing a misdemeanor anyone who:

- a) violates conditions imposed in connection with a license;
- b) violates the prohibition on using designations pursuant to article 11 that suggest it is acting as an asset management company;
- c) gives false information to the FMA or the independent auditor;
- d) does not keep account books properly or does not retain account books and receipts;
- e) makes false statements or conceals material facts in the periodic reports or notifications;
- f) as an auditor, grossly violates his or her responsibilities, in particular by making untrue statements in the audit report or withholding material facts, by failing to make prescribed requests to the asset management company, or by failing to submit prescribed reports and notifications;
- g) fails to observe the initial capital requirement pursuant to article 6 (1) (k); or<sup>1</sup>
- h) does not have sufficient own funds as set out in article 8.

3) The FMA shall punish with a fine of up to 100,000 Swiss francs for committing an infraction anyone who:

- a) fails to submit, or only submits belatedly the periodic reports as required;
- b) fails to have the ordinary audit or an audit prescribed by the FMA carried out in full or in relation to individual reports;
- c) fails to fulfill his or her responsibilities vis-à-vis the independent auditor;
- d) fails to submit the prescribed notifications to the FMA in a proper and timely manner;
- e) fails to comply with a demand to bring about a lawful state of affairs or with any other order by the FMA;
- f) fails to comply with a demand to cooperate in an investigation procedure by the FMA;
- g) engages in misleading or obtrusive publicity for an asset management company;
- h) fails to comply with the rules of conduct (article 15 to 19) and the professional guidelines declared binding;
- i) Repealed<sup>2</sup>
- k) fails to take or maintain effective organizational and administrative measures to prevent negative influencing of clients' interests by conflicts of interest;

<sup>1</sup> Article 62, paragraph 2(g) amended by LGBI. 2007 No. 267.

<sup>2</sup> Article 62, paragraph 3(i) repealed by LGBI. 2007 No. 267.



l) violates his or her obligations in the appointment of tied agents pursuant to article 23;<sup>1</sup>

m) violates his or her obligations as a tied agent pursuant to article 23; or<sup>2</sup>

n) as an auditor, violates his or her obligations under this Act, in particular articles 43 to 46.<sup>3</sup>

4) If the offenses are committed negligently, the maximum penalties shall be reduced by half.

5) Except where otherwise stipulated herein, the general part of the Criminal Code shall apply *mutatis mutandis*.

6) The FMA may publicize the imposition of final punishments and fines, if this gives effect to the purpose of this Act and is proportionate.<sup>4</sup>

7) Sentences under this article shall not be binding on civil judges with respect to the assessment of fault and illegality or determination of damages.<sup>5</sup>

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<sup>1</sup> Article 62, paragraph 3(l) amended by LGBl. 2011 No. 13.

<sup>2</sup> Article 62, paragraph 3(m) amended by LGBl. 2011 No. 13.

<sup>3</sup> Article 62, paragraph 3(n) amended by LGBl. 2011 No. 13.

<sup>4</sup> Article 62, paragraph 6 amended by LGBl. 2007 No. 267.

<sup>5</sup> Article 62, paragraph 7 inserted by LGBl. 2007 No. 267.

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**Law**  
of 21 October 1992  
**on Banks and Investment Firms**  
**(Banking Act)<sup>1</sup>**

I hereby grant My consent to the following Resolution adopted by Parliament:

**I. Purpose, scope, and definition of terms<sup>2</sup>**

Article 1<sup>3</sup>

*Purpose*

This Act covers the organisation and business activities of banks and investment firms and has the purpose of protecting their creditors and safeguarding confidence in the Liechtenstein monetary, securities, and credit system.

Article 2<sup>4</sup>

*Scope*

1) This Act shall apply to banks and investment firms.

2) The provisions of this Act shall apply *mutatis mutandis* to branches established by foreign banks, financial institutions, and investment firms.

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<sup>1</sup> Title of Act amended by LGBl. 2007 No. 261.

<sup>2</sup> Title preceding article 1 amended by Liechtenstein Law Gazette LGBl. 1998 No. 223.

<sup>3</sup> Article 1 amended by LGBl. 2007 No. 261.

<sup>4</sup> Article 2 amended by LGBl. 2007 No. 261.

3) To the extent expressly provided by law, the Act shall also apply to the operation of regulated markets and multilateral trading facilities.

### Article 3

#### *Scope of business*<sup>1</sup>

1) Banks are undertakings that engage in the activities set out in paragraph 3 on a professional basis. Natural and legal persons that are not subject to this Act as a bank may not accept deposits or other repayable monies on a professional basis.<sup>2</sup>

2) Investment firms are undertakings that render investment services and ancillary services on a professional basis.<sup>3</sup>

3) Banking activities are:

- a) the acceptance of deposits and other repayable monies; in the case of an e-money transaction in accordance with subparagraph (f), the receipt of a sum of money shall not constitute an acceptance of deposits or other repayable monies if the received sum is directly exchanged against e-money;<sup>4</sup>
- b) the lending of third-party monies to an indeterminate circle of borrowers;<sup>5</sup>
- c) safekeeping transactions;<sup>6</sup>
- d) the provision of investment services and ancillary services referred to in Annex 2 Sections A and B as well as the execution of other bank-related off-balance-sheet transactions;<sup>7</sup>
- e) Repealed;<sup>8</sup>
- f) the issuing of electronic money in accordance with article 3(b) of the E-Money Act (e-money transaction).
- g) the assumption of sureties, guarantees and other liabilities for others, insofar as the assumed obligation is denominated in cash payments;

<sup>1</sup> Article 3 heading amended by LGBl. 1998 No. 223.

<sup>2</sup> Article 3, paragraph 1 amended by LGBl. 1998 No. 223.

<sup>3</sup> Article 3, paragraph 2 amended by LGBl. 2007 No. 261.

<sup>4</sup> Article 3, paragraph 3(a) amended by LGBl. 2003 No. 110.

<sup>5</sup> Article 3, paragraph 3(b) amended by LGBl. 1998 No. 223.

<sup>6</sup> Article 3, paragraph 3(c) amended by LGBl. 1998 No. 223.

<sup>7</sup> Article 3, paragraph 3(d) amended by LGBl. 2007 No. 261.

<sup>8</sup> Article 3, paragraph 3(e) repealed by LGBl. 2007 No. 261.

h) trading in foreign exchange for own account or for account of a third party.

4) Investment services and ancillary services are services referred to in Annex 2 Sections A and B.<sup>1</sup>

5) The Government shall specify further details by ordinance.<sup>2</sup>

#### Article 3a<sup>3</sup>

##### *Definition of terms*

1) The following definitions shall apply for the purposes of this Act:

1. branch: a place of business which is part of a bank, financial institution, or investment firm, which has no legal personality, and which carries out directly all or some of the transactions inherent in the business of a bank, financial institution, or investment firm and/or renders investment services for which the investment firm has been granted an authorisation; where a bank, financial institution, or investment firm whose registered office is in another Member State has established several places of business in one and the same Member State, these places of business shall be regarded as a single branch;
2. representative office: any part of the organisation of a foreign bank that neither concludes nor carries out activities nor arranges them for its own account;
3. authorisation: an instrument issued in any form by the authorities by which the right to carry on the business of a bank, financial institution, or investment firm is granted;
4. competent authority: the national authorities which are empowered by law and regulation to supervise banks, financial institutions, or investment firms;
5. home Member State: the EEA Member State in which a bank, financial institution, or investment firm is authorised;
6. host Member State: the EEA Member State in which a bank, financial institution, or investment firm has a branch or in which it provides services outside its home Member State;
7. third State: a State that is not an EEA Member State;

<sup>1</sup> Article 3, paragraph 4 inserted by LGBl. 2007 No. 261.

<sup>2</sup> Article 3, paragraph 5 inserted by LGBl. 2007 No. 261.

<sup>3</sup> Article 3a amended by LGBl. 2007 No. 261.

8. qualifying holding: a direct or indirect holding of at least 10% of the voting rights in a bank or investment firm or the possibility of exercising a significant influence on the management of a bank or investment firm in which that holding subsists. Articles 25, 26, 27 and 28 of the Disclosure Act shall be applied to determine the voting rights;
9. parent undertaking: a parent undertaking within the meaning of the accounting rules of the Law on Persons and Companies (Personen- und Gesellschaftsrecht, PGR) and any undertaking that exercises a dominant influence on another undertaking;
10. subsidiary: a subsidiary undertaking within the meaning of the accounting rules of the Law on Persons and Companies and any undertaking on which a parent undertaking exercises a dominant influence. All subsidiaries of subsidiary undertakings shall also be considered subsidiaries of the undertaking that is their original parent;
11. financial holding company: a financial institution, the subsidiary undertakings of which are either exclusively or mainly banks, financial institutions, or investment firms, at least one of such subsidiaries being a bank or investment firm, and which is not a mixed financial holding company within the meaning of article 5, paragraph 1(q) of the Financial Conglomerates Act;
12. mixed-activity holding company: a parent undertaking, other than a financial holding company, bank, financial institution, investment firm, or mixed financial holding company, the subsidiaries of which include at least one bank, financial institution, or investment firm;
13. undertaking with bank-related ancillary services: an undertaking whose main activities consist in the management of real estate, the operation of computing centres, or the execution of other activities that are ancillary services in relation to the core activities of one or more banks;
14. close links: two or more natural or legal persons are linked by:
  - a) participation, which means the ownership, direct or by way of control, of 20% or more of the voting rights or capital of an undertaking, or
  - b) control, which means the link between a parent undertaking and a subsidiary, or an equivalent relationship between a natural or legal person and an undertaking; all subsidiaries of subsidiary undertakings shall also be considered subsidiaries of the undertaking that is their original parent.

A link in which two or more natural or legal persons are permanently linked to one and the same person by a control relationship shall also be regarded as constituting a close link between such persons;

15. reorganisation measures: measures with which the financial situation of a bank is intended to be secured or restored and which could adversely affect the existing rights of third parties, including measures that allow a suspension of payments, a suspension of execution measures, or a reduction of claims;
16. liquidation procedure: an overall procedure initiated by an administrative or judicial authority of an EEA Member State and subject to its supervision that has the objective of realising the assets under the supervision of the aforementioned administrative or judicial authority. This also includes procedures that are concluded under a composition agreement (articles 88 and 89 of the Bankruptcy Rules) or similar measures.
17. regulated market: a multilateral system operated and/or managed by a market operator which brings together multiple third-party buying and selling interests in financial instruments – in the system and in accordance with non-discretionary rules – in a way that results in a contract, in respect of financial instruments admitted to trading under its rules;
18. multilateral trading system: a multilateral system operated by an investment firm which brings together multiple third-party buying and selling interests in financial instruments – in the system and in accordance with non-discretionary rules – in a way that results in a contract;
19. financial institution: an undertaking whose principal activity is to acquire participations or which, with the exception of accepting deposits and other repayable monies, trading information, and administering safe deposit box services, may do everything that a bank is also allowed to do;
20. parent investment firm in an EEA Member State: an investment firm which has a bank, investment firm, or financial institution as a subsidiary or which holds a participation in one or both such entities, and which is not itself a subsidiary of a bank, financial institution, or investment firm authorised in the same EEA Member State or of a financial holding company set up in the same EEA Member State;
21. EEA parent investment firm: a parent investment firm in an EEA Member State which is not a subsidiary of a bank, financial institution, or investment firm authorised in any EEA Member State or of a financial holding company set up in any EEA Member State;

22. parent bank in an EEA Member State: a bank which has a bank, investment firm, or financial institution as a subsidiary or which holds a participation in such an entity therein, and which is not itself a subsidiary of another bank or investment firm authorised in the same EEA Member State or of a financial holding company set up in the same EEA Member State;
23. EEA parent bank: a parent bank in an EEA Member State which is not a subsidiary of another bank or investment firm authorised in any of EEA country or of a financial holding company set up in any EEA countries;
24. parent financial holding company in an EEA Member State: a financial holding company which is not itself a subsidiary of a bank or investment firm authorised in the same EEA Member State, or of a financial holding company set up in the same Member State;
25. EEA parent financial holding company: a parent financial holding company in an EEA Member State which is not a subsidiary of a bank or investment firm authorised in any EEA Member State or of another financial holding company set up in any EEA Member State;
26. group: a group of undertakings consisting of a parent undertaking, its subsidiary undertaking, and the undertakings in which the parent undertaking or its subsidiary undertakings have participations, as well as undertakings managed on a unified basis (pursuant to contractual provisions or provisions set out in articles of association, identical majority composition of the board of directors and/or general management, patronage declarations, and the like), without however having a connection in terms of capital; the undertakings within a group are the group companies;
27. client: every natural or legal person, every company, trust, other collective or asset entity, for which a bank or investment firm provides services pursuant to this Act;
28. professional client: a client with sufficient experience, knowledge, and expertise to make the client's own investment decisions and to adequately judge the associated risks. To be considered a professional client, a client must meet the criteria set out in Annex 1, item 2.
29. non-professional client: a client according to Annex 1, item 3;
30. eligible counterparty: a client according to Annex 1, item 1;
31. tied agent: a natural or legal person who, under the full and unconditional responsibility of only one bank or investment firm on whose behalf it acts, promotes services pursuant to this Act to clients or prospective clients and/or provides advice to clients or

prospective clients in respect of those services or financial instruments.

32. financial instruments: all instruments referred to in Annex 2, section C.

33. consolidated supervisory authority: an authority which is responsible on a consolidated basis for the supervision of EEA parent banks and EEA parent investment firms as well as banks and investment firms which are controlled by EEA parent financial holding companies;

34. market operator: a person or persons who manage(s) and/or operate(s) the business of a regulated market.

2) On a supplementary basis, the definitions contained in the applicable EEA legal provisions, especially Directives 2004/39/EC, 2006/48/EC, and 2006/49/EC shall apply *mutatis mutandis*.

3) The designations of persons and functions contained in this Act shall apply to persons of female and of male gender.



## II. Business activities of banks and investment firms<sup>1</sup>

### Article 4

#### *Own funds*<sup>2</sup>

1) Banks and investment firms must have sufficient own funds. Their own funds shall not drop below the minimum capital prescribed in article 24, paragraph 4.

2) The own funds requirements must be met by every individual bank and investment firm subject to this Act as well as on a consolidated basis.<sup>3</sup>

3) The Government shall, by ordinance, specify the elements of the own funds, determine the minimum requirements according to the business activities, and circumscribe the undertakings to be included in the consolidated determination of own funds requirements as well as the scope and content of the consolidation.<sup>4</sup>

4) In justified cases, the FMA may ease or tighten any requirements as long as doing so does not contradict any legal provisions of the EEA.<sup>5</sup>

### Article 5

#### *Liquidity*

1) The banks and investment firms shall provide for an adequate proportion between the short-term liabilities and the available means and easily realisable assets. The Government shall specify the minimum proportions by ordinance.<sup>6</sup>

2) Adequate liquidity within the meaning of article 4, paragraph 2 must be guaranteed on a consolidated basis.<sup>7</sup>

3) In justified cases, the FMA may ease or tighten the requirements.<sup>8</sup>

<sup>1</sup> Title preceding article 4 amended by LGBl. 2007 No. 261.

<sup>2</sup> Article 4 heading amended by LGBl. 2006 No. 251.

<sup>3</sup> Article 4, paragraph 2 amended by LGBl. 2007 No. 261.

<sup>4</sup> Article 4, paragraph 3 amended by LGBl. 2006 No. 251.

<sup>5</sup> Article 4, paragraph 4 amended by LGBl. 2006 No. 251.

<sup>6</sup> Article 5, paragraph 1 amended by LGBl. 2007 No. 261.

<sup>7</sup> Article 5, paragraph 2 amended by LGBl. 1998 No. 223.

<sup>8</sup> Article 5, paragraph 3 amended by LGBl. 2004 No. 176.

## Article 6

*Legal reserves<sup>1</sup>*

1) Banks and investment firms holding monies or financial instruments of clients or issuing financial instruments must allocate at least one twentieth of their annual net profits to the legal reserves, until the legal reserves amount to one fifth of the capital stock.<sup>2</sup>

2) Where the legal reserves do not exceed one half of the capital stock, they may only be used to cover losses.<sup>3</sup>

3) Any proceeds achieved upon the issue of shares or unit certificates exceeding the par value after cover of the issue costs shall be allocated to the capital reserves.<sup>4</sup>

## Article 7

*Deposit guarantee and investor protection<sup>5</sup>*

1) Banks and investment firms holding monies or financial instruments of clients shall ensure sufficient protection of deposits and investments by creating appropriate institutions or by participating in foreign protection institutions.<sup>6</sup>

2) Credit balances which result from amounts remaining on an account or from interim positions within the framework of usual banking or securities transactions and which the bank must pay back pursuant to legal and contractual conditions, as well as debts secured by deeds which do not exceed a total amount of 100,000 francs for any individual depositor shall be deemed protected deposits.

3) Monies or financial instruments which an investor has entrusted to a bank or investment firm in connection with investment services and which do not exceed a total amount of 30,000 francs for any individual investor shall be deemed protected investments.

4) An auditor mandated by the FMA with a licence pursuant to article 37 of this Act shall review whether the protection institutions are lawful and proper and shall comment thereon in a comprehensive audit

<sup>1</sup> Article 6 heading amended by LGBl. 1998 No. 223.

<sup>2</sup> Article 6, paragraph 1 amended by LGBl. 2007 No. 261.

<sup>3</sup> Article 6, paragraph 2 amended by LGBl. 1998 No. 223.

<sup>4</sup> Article 6, paragraph 3 amended by LGBl. 1998 No. 223.

<sup>5</sup> Article 7 heading amended by LGBl. 1998 No. 223.

<sup>6</sup> Article 7, paragraph 1 amended by LGBl. 2007 No. 261.

report.<sup>1</sup>

5) Banks and investment firms within the meaning of paragraph 1 may only provide banking or securities services if the provisions on deposit guarantee and investor protection are met. If a bank or investment firm fails to fulfil its obligations despite appropriate measures being taken, the FMA shall withdraw its licence.<sup>2</sup>

6) The deposit guarantee and investor protection shall also extend to branches of Liechtenstein banks and investment firms in other EEA Member States and in third States.<sup>3</sup>

7) Liechtenstein branches of banks or investment firms whose registered office is outside the European Economic Area may be made subject to Liechtenstein deposit guarantee and investor protection if the system of deposit guarantee and investor protection to which these branches belong is not equivalent to the Liechtenstein system.<sup>4</sup>

8) Depositors and investors may apply to the courts with respect to their compensation claims vis-à-vis the protection institutions. Protection institutions that make payments within the framework of deposit guarantee or investor protection shall be entitled to succeed to the rights of depositors or investors in liquidation procedures up to the amount of the payments made.<sup>5</sup>

9) The Government shall specify further details by ordinance, especially concerning the deposits that are exempt from the deposit guarantee under paragraph 2 and the investors that are exempt from paragraph 3.<sup>6</sup>

#### Article 7a<sup>7</sup>

##### *Risk management*

1) Banks and investment firms must govern the fundamentals of risk management as well as the competence and procedure for approving transactions carrying risk in a regulation or in internal directives. They must in particular assess, limit, and monitor market, credit, default,

<sup>1</sup> Article 7, paragraph 4 amended by LGBl. 2004 No. 176.

<sup>2</sup> Article 7, paragraph 5 amended by LGBl. 2007 No. 261.

<sup>3</sup> Article 7, paragraph 6 amended by LGBl. 2007 No. 261.

<sup>4</sup> Article 7, paragraph 7 amended by LGBl. 1998 No. 223.

<sup>5</sup> Article 7, paragraph 8 amended by LGBl. 1998 No. 223.

<sup>6</sup> Article 7, paragraph 9 amended by LGBl. 1998 No. 223.

<sup>7</sup> Article 7a amended by LGBl. 2007 No. 261.

settlement, liquidity, concentration, securitisation, counterparty, interest rate, and image risks as well as operational and legal risks.

2) Banks and investment firms must have solid management control. This includes:

- a) a clear organisational structure with precisely delimited, transparent, and coherent areas of responsibility;
- b) effective procedures for determining, steering, monitoring, and reporting risks to which they are or could be exposed; and
- c) adequate internal control mechanisms, including administration and accounting procedures.

3) Banks and investment firms must have and maintain at a sufficiently high level solid, effective, and comprehensive strategies and procedures with which they can continuously evaluate the amount, composition, and distribution of their internal equity capital as they deem adequate to secure their current and any future risks both quantitatively and qualitatively.

4) The strategies and procedures referred to in paragraph 3 must be reviewed internally on a regular basis to ensure that they are always appropriate to the type, scope, and complexity of the transactions of the bank or investment firm and do not ignore any aspect.

5) The internal control procedure as well as the administration and accounting of the banks and investment firms must be designed in a way that compliance with the provisions of this Act can be verified at any time.

6) Banks and investment firms shall introduce a remuneration policy and practice and shall constantly ensure that they are compatible with sound and effective risk management within the meaning of this Article. The Government shall specify further details by ordinance.

## Article 8

### *Distribution of risks<sup>1</sup>*

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<sup>1</sup> Article 8 heading amended by LGBL 2006 No. 251.

1) The claims of a bank or investment firm vis-à-vis an individual client and holdings in an individual undertaking must be in an appropriate proportion to its own funds. The Government shall specify this proportion by ordinance, subject to paragraph 2.<sup>1</sup>

2) The qualifying holding of a bank in another undertaking outside the financial and insurance sector may not exceed 15% of its own funds. The total value of all such qualifying holdings may not exceed 60% of its own funds. The Government shall specify details and exceptions by ordinance.

3) The appropriate proportion under paragraph 1 and the thresholds under paragraph 2 shall be observed both by each bank and investment firm independently as well as on a consolidated basis, if and to the extent that the bank or investment firm is obliged to meet the own funds requirements on a consolidated basis.<sup>2</sup>

4) In justified cases, the FMA may ease or tighten any requirements as long as doing so does not contradict any legal provisions of the EEA.

*Duties in connection with the provision  
of investment services and ancillary services<sup>3</sup>*

Article 8a<sup>4</sup>

*a) Principle*

1) When providing investment services, banks and investment firms must act in a fair, honest, and professional manner in the best interest of their clients. In particular, they must act in accordance with articles 8b to 8h and preserve the reputation and respect of their profession through their conduct.

3) The Government shall specify further details by ordinance, especially with respect to the rules of conduct and the organisational demands, taking account of the different client classifications, financial instruments, and services.

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<sup>1</sup> Article 8, paragraph 1 amended by LGBl. 2007 No. 261.

<sup>2</sup> Article 8, paragraph 3 amended by LGBl. 2007 No. 261.

<sup>3</sup> Heading preceding Article 8a inserted by LGBl. 2007 No. 261.

<sup>4</sup> Article 8a amended by LGBl. 2007 No. 261.

Article 8b<sup>1</sup>*b) Client categorisation*

1) Banks and investment firms must categorise each client to whom they provide an investment service or ancillary service according to Annex 1 and inform the client of this categorisation.

3) The Government shall specify further details on client categorisation by ordinance.

Article 8c<sup>2</sup>*c) Documentation and information requirement*

1) Banks and investment firms must document both their client relationships and their securities transactions in an appropriate and traceable manner.

2) Appropriate information shall be provided in a comprehensible form to clients or potential clients about:

- a) the bank or investment firm and its services;
- b) applicable conditions of contract and business;
- c) financial instruments, especially their opportunities and risks;
- d) execution venues and the principles of best execution of client orders in accordance with article 8e;
- e) costs and associated charges; and
- f) principles for preventing and dealing with conflicts of interest.

3) The information referred to in paragraph 2 may be provided in standardised form.

4) The Government shall specify further details by ordinance on the documentation and information requirement.

Article 8d<sup>3</sup>

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<sup>1</sup> Article 8b inserted by LGBl. 2007 No. 261.

<sup>2</sup> Article 8c inserted by LGBl. 2007 No. 261.

<sup>3</sup> Article 8d inserted by LGBl. 2007 No. 261.

*d) Suitability and appropriateness*

1) If a bank or investment firm provides investment advisory services or portfolio management, it shall obtain the necessary information on the financial circumstances and investment goals as well as the knowledge and experience of the client or potential client in investing, in order to recommend suitable investment services or financial services for the client. If a client fails to provide the information necessary for evaluating the suitability of investment services, ancillary services, or financial instruments, then the bank or investment firm shall not recommend investment services or financial instruments to the client.

2) If in the case of investment services or ancillary services other than those referred to in paragraph 1, banks and investment firms shall obtain information from their clients and potential clients on their knowledge and experience in investing, in order to evaluate whether the investment services or financial instruments under consideration are appropriate for these clients. If a client fails to provide the information necessary for evaluating the appropriateness of the investment services, ancillary services, or financial instruments or provides them only insufficiently, or if the bank or investment firm determines on the basis of the information received that the product or service is not appropriate for the client, then the bank or investment firm shall warn the client accordingly. This warning may be made in standardised form.

3) In the case of professional clients and eligible counterparties as defined in Annex 1, the bank or investment firm may assume that the client has sufficient knowledge and experience with respect to all investment services or ancillary services and is able to bear the investment risk financially.

4) The Government shall specify further details by ordinance on the evaluation of suitability and appropriateness.

Article 8e<sup>1</sup>*e) Best execution of client orders*

1) Banks and investment firms shall arrange for best execution of client orders in the interest of the client with respect to price, quantity, quality, and time, and shall take the requisite measures.

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<sup>1</sup> Article 8e inserted by LGBl. 2007 No. 261.

2) The Government shall specify further details by ordinance on the execution of orders.

Article 8f<sup>1</sup>

*f) Recording and reporting of transactions and preservation of market integrity*

1) Banks and investment firms that render investment services and ancillary services shall record the orders received and the transactions made on and outside of regulated markets for all financial instruments in a way that ensures compliance with the obligations of notification, reporting, and transparency, and which enable the FMA to reconstruct the individual transactions regardless of whether or not these transactions were made through a regulated market.

2) All relevant information in connection with investment services and ancillary services shall be kept available for the FMA for a period of at least five years, regardless of whether or not these transactions were made through a regulated market.

3) The obligations of recording, reporting, and publication shall be subject to the provisions of Regulation (EC) No. 1287/2006 of the Commission of 10 August 2006 on the implementation of Directive 2004/39/EC.

4) Banks and investment firms that operate a trade with participation papers for clients in a systematic and organised way as parties contracting on their own behalf outside regulated markets and multilateral trading facilities shall be obliged to publish price offers or make such offers at the request the client.

5) The Government shall specify further details by ordinance on preserving market integrity.

Article 8g<sup>2</sup>

*g) Reporting duties*

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<sup>1</sup> Article 8f inserted by LGBl. 2007 No. 261.

<sup>2</sup> Article 8g inserted by LGBl. 2007 No. 261.



1) Banks and investment firms shall report in a suitable form to their clients on the services provided to them.

2) The Government shall specify further details by ordinance on the duty to report.

#### Article 8h<sup>1</sup>

##### *h) Dealing with conflicts of interest and disclosure of inducements*

1) Banks and investment firms shall define suitable internal procedures to identify and deal with conflicts of interest and shall have an appropriate organisational structure and appropriate internal control mechanisms.

2) Banks and investment firms may only grant or accept fees, commissions, and non-monetary inducements offered in connection with the provision of investment services and ancillary services (inducements) in accordance with the conditions set out by ordinance.

3) Banks and investment must disclose the inducements in accordance with the ordinance. The disclosure of inducements may be in summary form and general in content, e.g. as part of the general or other pre-formulated conditions of business. Banks and investment firms are required to disclose other details if demanded by the client.

4) The Government shall specify further details by ordinance on identifying and dealing with conflicts of interest and on the disclosure of inducements.

#### Article 9

##### *Transactions with governing bodies*

Transactions by the bank with members of its governing bodies and independent auditor, with its controlling shareholders, and with persons and companies close to these three categories must conform to the generally acknowledged principles of the banking business.

#### Article 10

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<sup>1</sup> Article 8h inserted by LGBl. 2007 No. 261.

*Business report, consolidated business report, interim financial statement,  
consolidated interim financial statement*<sup>1</sup>

1) Banks and investment firms shall compile a business report for each business year, consisting of the annual statement of accounts and the annual report. The annual statement of accounts shall consist of the balance sheet, the income statement, and the annex.<sup>2</sup>

2) To the extent that they are obliged to do so, banks and investment firms shall also compile a consolidated business report for each business year, consisting of the consolidated annual statement of accounts and the consolidated annual report. The consolidated annual statement of accounts shall consist of the consolidated balance sheet, the consolidated income statement, and the consolidated annex.<sup>3</sup>

3) By ordinance, the Government shall specify which banks and investment firms shall also compile a cash-flow statement as an additional part of the annual statement of accounts, a consolidated cash-flow statement as an additional part of the consolidated annual statement of accounts, an interim financial statement, and a consolidated interim financial statement.<sup>4</sup>

4) The business report, the consolidated business report, the interim financial statement, and the consolidated interim financial statement shall be compiled in accordance with the provisions of the Law on Persons and Companies (Personen- und Gesellschaftsrecht, PGR) and the provisions of this Act. If the annual statement of accounts, the consolidated annual statement of accounts, the interim financial statement, and the consolidated interim financial statement are compiled in accordance with the international accounting standards of the IASB, then article 1139 PGR shall apply.<sup>5</sup>

5) The business report, the consolidated business report, the interim financial statement, and the consolidated interim financial statement shall be disclosed.<sup>6</sup>

6) By ordinance, the Government shall specify how the business reports, the consolidated business reports, the interim financial statements, and the consolidated interim financial statements shall be

<sup>1</sup> Article 10 heading amended by LGBl. 1998 No. 223.

<sup>2</sup> Article 10, paragraph 1 amended by LGBl. 2007 No. 261.

<sup>3</sup> Article 10, paragraph 2 amended by LGBl. 2007 No. 261.

<sup>4</sup> Article 10, paragraph 3 amended by LGBl. 2007 No. 261.

<sup>5</sup> Article 10, paragraph 4 amended by LGBl. 2004 No. 265.

<sup>6</sup> Article 10, paragraph 5 amended by LGBl. 1998 No. 223.

compiled and in what form, to what extent, and by what deadlines they shall be disclosed.<sup>1</sup>

7) The business reports, the consolidated business reports, the interim financial statements, and the consolidated interim financial statements, as well as the information necessary for the determination of monetary, credit, and currency policies and the compilation of banking statistics shall be submitted to the FMA.<sup>2</sup>

#### Article 11

##### *External audit requirement*

1) Each year, banks and investment firms must submit to an audit of their business activities by an independent auditor recognised by the FMA.<sup>3</sup>

2) At all times, banks and investment firms must grant the independent auditor access to the books, receipts, business correspondence, and minutes of the board of directors and the general management, they must keep all documents available that are usually required in the Liechtenstein banking business to determine and assess the assets and liabilities, and they must provide all information necessary for fulfilling the audit requirement.<sup>4</sup>

3) The internal audit department shall submit its reports to the independent auditor and shall provide it with all information that the independent auditor needs to fulfil the audit requirements. The internal audit department and the independent auditor shall coordinate their audit activities. As far as possible, duplication should be avoided.<sup>5</sup>

#### Article 12<sup>6</sup>

##### *Repledges*

1) Banks of investment firms intending to repledge or carry over a pledge must obtain authorisation from the pledger by means of a specific deed for each individual case.

<sup>1</sup> Article 10, paragraph 6 amended by LGBl. 1998 No. 223.

<sup>2</sup> Article 10, paragraph 7 amended by LGBl. 1999 No. 87 and LGBl. 2004 No. 176.

<sup>3</sup> Article 11, paragraph 1 amended by LGBl. 2007 No. 261.

<sup>4</sup> Article 11, paragraph 2 amended by LGBl. 2007 No. 261.

<sup>5</sup> Article 11, paragraph 3 amended by LGBl. 1998 No. 223.

<sup>6</sup> Article 12 amended by LGBl. 2007 No. 261.

2) The bank or investment firm may only repledge or carry over a pledge for the amount for which the pledge is liable to the bank.

3) The bank or investment firm must obtain confirmation from the creditor in writing that

- a) the pledge serves exclusively to secure the claim related to the repledge or carryover transaction;
- b) no rights to the pledge are granted to third parties.

#### Article 13<sup>1</sup>

##### *Publicity*

1) Both in Liechtenstein and abroad, banks and investment firms shall abstain from misleading or obtrusive publicity, especially using their Liechtenstein domicile or Liechtenstein institutions. Publicity serving to market products or services must be recognisable as such.

2) The Government shall specify further details by ordinance.

#### Article 14<sup>2</sup>

##### *Banking secrecy*

1) The members of the governing bodies of banks and their employees as well as any persons otherwise working for such banks shall keep secret all facts that they are entrusted with or that become accessible by them as a result of the business relations with clients. The obligation of secrecy shall apply without any time limit.

2) Paragraph 1 is without prejudice to the legal provisions on the obligation to give testimony or information to the criminal courts and to supervisory bodies as well as the provisions on cooperation with other supervisory authorities.

3) The provisions of paragraphs 1 and 2 shall apply *mutatis mutandis* to the members of the governing bodies of investment firms and their employees as well as to any persons working for such investment firms.

#### Article 14a<sup>1</sup>

<sup>1</sup> Article 13 amended by LGBl. 2007 No. 261.

<sup>2</sup> Article 14 amended by LGBl. 2007 No. 261

*Outsourcing*

1) Banks and investment firms may outsource business areas within Liechtenstein and abroad.

2) Outsourcing of data processing within Liechtenstein and abroad is only permissible if:

- a) in the interest of the protection of confidentiality, adequate security precautions are complied with;
- b) the client is informed of the outsourcing when the data are transmitted.

3) The Government shall specify further details by ordinance, especially the conditions under which outsourcing in general is permissible as well as the additional conditions for outsourcing to third States.

Article 14b<sup>2</sup>*Appointment of tied agents*

1) Within the framework of investment services and ancillary services, banks and investment firms may appoint tied agents for the purposes of promoting their business, initiating new business relationships, and providing advice in respect of such investment services, ancillary services, and financial instruments offered by the bank or investment firm, as long as the tied agents are entered in the register referred to in article 35, paragraph 8.

2) Banks and investment firms that appoint tied agents must monitor them appropriately and are unconditionally responsible for any action or omission on the part of the tied agent when acting on behalf of the bank or investment firm.

3) The Government shall specify further details concerning tied agents by ordinance, especially the preconditions for registering them or the demands placed on them.

**III. Authorisations<sup>3</sup>**

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<sup>1</sup> Article 14a amended by LGBl. 2007 No. 261.

<sup>2</sup> Article 14b inserted by LGBl. 2007 No. 261.

<sup>3</sup> Title preceding article 15 amended by LGBl. 1998 No. 223.

## A. Licences<sup>1</sup>

### 1. Principles<sup>2</sup>

#### Article 15

##### *Licencing requirements*<sup>3</sup>

1) Banks and investment firms shall require a licence issued by the FMA to take up their business activities.<sup>4</sup>

2) If a bank or investment firm forms part of a foreign group working in the financial sector, the licence shall only be granted if, in addition to the preconditions set out in articles 18 to 24:<sup>5</sup>

- a) the group is subject to consolidated supervision comparable to Liechtenstein supervision;<sup>6</sup>
- b) the supervisory authority of the home country does not object to the establishment of a subsidiary.<sup>7</sup>

3) When considering the application for a licence, the economic needs of the market may not be taken into account.<sup>8</sup>

4) Operation of a domiciliary bank is prohibited. Domiciliary banks are banks that do not maintain a physical presence in the domiciliary country and that are not part of group operating in the financial sector that is subject to appropriate consolidated supervision and is governed by directive 2005/60/EC or equivalent regulation.

#### Article 16

##### *Business names*<sup>9</sup>

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<sup>1</sup> Title preceding article 15 inserted by LGBl. 1998 No. 223.

<sup>2</sup> Title preceding Article 15 amended by LGBl. 2007 No. 261.

<sup>3</sup> Article 15 heading amended by LGBl. 1998 No. 223.

<sup>4</sup> Article 15, paragraph 1 amended by LGBl. 2007 No. 261.

<sup>5</sup> Article 15, paragraph 2, introductory phrase amended by LGBl. 2007 No. 261.

<sup>6</sup> Article 15, paragraph 2(a) amended by LGBl. 1998 No. 223.

<sup>7</sup> Article 15, paragraph 2(b) amended by LGBl. 1998 No. 223.

<sup>8</sup> Article 15, paragraph 3 amended by LGBl. 1998 No. 223.

<sup>9</sup> Article 16 heading amended by LGBl. 1998 No. 223.

1) Nomenclature indicating activities as a bank or investment firm may only be used in the business name, the designation of the purpose of the business, and business advertising of undertakings that have obtained a licence as a bank or investment firm.<sup>1</sup>

2) Banks, financial institutions, and investment firms whose registered office is in a foreign country may use their business names in Liechtenstein subject to paragraph 1. If there is a danger of confusion, an explanatory supplement may be required.<sup>2</sup>

3) Banks and investment firms may only use the name of a parent company in their own business name if the parent company exercises a dominant influence due to a majority holding. Moreover, if significant components of the name of a foreign bank or investment firm are used in the business name, a differentiating supplement must be used which makes it clear that the company is a Liechtenstein subsidiary of a specific foreign bank or investment firm.<sup>3</sup>

4) The FMA shall review the permissibility of the business name from the perspective of supervision law. The business name may not be misleading, and in particular it may not give rise to any false assumptions concerning its scope of business activities.<sup>4</sup>

## 2. Preconditions<sup>5</sup>

### Article 17

#### *General preconditions and procedures<sup>6</sup>*

1) The license for operating a bank or investment firm shall be granted if all the preconditions set out in articles 18 to 24 are met.

a) Every application for granting of a license must be accompanied by a business plan, setting out in particular the types of business envisaged and the organizational structure of the bank or investment firm.<sup>7</sup>

<sup>1</sup> Article 16, paragraph 1 amended by LGBL 2007 No. 261.

<sup>2</sup> Article 16, paragraph 2 amended by LGBL 2007 No. 261.

<sup>3</sup> Article 16, paragraph 3 amended by LGBL 2007 No. 261.

<sup>4</sup> Article 16, paragraph 4 amended by LGBL 1998 No. 223, LGBL 1999 No. 87 and LGBL 2004 No. 176.

<sup>5</sup> Title preceding article 17 inserted by LGBL 1998 No. 223.

<sup>6</sup> Article 17 heading amended by LGBL 1998 No. 223.

<sup>7</sup> Article 17, paragraph 1(a) inserted by LGBL 2007 No. 261.

2) The FMA shall communicate every authorization of a bank to the Standing Committee of the EFTA States and the EFTA Surveillance Authority. The FMA shall notify the Standing Committee of the EFTA States, the EFTA Surveillance Authority, and the competent authorities of the other Member States of every authorization of a subsidiary with at least one parent undertaking subject to the law of a third State, as well as the acquisition of a holding in a bank by such a parent undertaking by virtue of which the bank becomes a subsidiary.<sup>1</sup>

3) Every refusal must be substantiated and notified to the applicant within six months after receipt of the application or, if the application is incomplete, within six months after the required information has been submitted. In any event, a decision shall be made within twelve months after receipt of the application.<sup>2</sup>

4) Prior to granting a license to a bank or investment firm, the FMA must consult the competent authorities of another EEA Member State if:

- a) a subsidiary or a subsidiary of the parent undertaking of a bank, financial institution, insurance undertaking or investment firm authorized in another EEA Member State is to be established;
- b) the bank or investment firm to be established is controlled by the same natural or legal person as a bank, financial institution, insurance undertaking or investment firm authorized in another EEA Member State.<sup>3</sup>

5) Shareholders with a qualifying holding must meet the demands imposed in the interest of ensuring the sound and prudent management of the bank or investment firm.<sup>4</sup>

6) Where paragraph 4 applies, the FMA shall in particular consult the competent authorities of other EEA Member States when assessing the suitability of the shareholders with qualifying holdings and the reputation and experience of persons entrusted with business management that also serve in management functions of other undertakings in the same group. The FMA shall exchange all information with the competent authorities of other EEA Member States concerning the suitability of the shareholders with qualifying holdings and the reputation and experience of persons entrusted with business management when such information is of relevance to the granting of an authorization as well as the ongoing assessment of compliance with the conditions for performing the activity.<sup>5</sup>

<sup>1</sup> Article 17, paragraph 2 amended by LGBl. 1998 No. 223.

<sup>2</sup> Article 17, paragraph 3 amended by LGBl. 1998 No. 223.

<sup>3</sup> Article 17, paragraph 4(b) amended by LGBl. 2007 No. 261.

<sup>4</sup> Article 17, paragraph 5 amended by LGBl. 2007 No. 261.

<sup>5</sup> Article 17, paragraph 6 inserted by LGBl. 2007 No. 261.



## Article 18

*Legal form and registered office*<sup>1</sup>

1) Banks and investment firms may only be established in the legal form of a limited company or a European company (SE). In justified cases, the FMA may permit exceptions.<sup>2</sup>

2) The registered office and the central administration must be situated in Liechtenstein.<sup>3</sup>

Article 19<sup>4</sup>*Guarantee of sound and proper business operation*

The professional and personal qualities of the persons entrusted with the management of a bank or investment firm must always guarantee sound and proper business operation.

Article 20<sup>5</sup>*Incompatibility, close links*

1) The persons entrusted with the governance or management of a bank or investment firm may not be members of the FMA, the FMA Complaints Commission, or their governing bodies.

2) If close links exist between the bank or investment firm and other natural or legal persons, such links may not obstruct the proper supervision of the bank or investment firm.

3) The proper supervision of banks or investment firms may furthermore not be obstructed by legal or administrative provisions of a third State or by difficulties in their application to which natural or legal persons are subject that have close links with the bank or investment firm.

4) Upon request of the FMA, banks and investment firms must demonstrate that the provisions in paragraphs 2 and 3 are met.

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<sup>1</sup> Article 18 heading amended by LGBl. 1998 No. 223.

<sup>2</sup> Article 18, paragraph 1 amended by LGBl. 2007 No. 261.

<sup>3</sup> Article 18, paragraph 2 inserted by LGBl. 1998 No. 223.

<sup>4</sup> Article 19 amended by LGBl. 2007 No. 261.

<sup>5</sup> Article 20 amended by LGBl. 2007 No. 261.

## Article 21

1) The articles of association and regulations must precisely define the material and geographic business circle of the bank or investment firm.<sup>1</sup>

2) Activities other than banking or investment services must be expressly mentioned in the articles of association.<sup>2</sup>

3) The articles of association and the regulations shall require approval by the FMA to be valid.<sup>3</sup>

## Article 22

*Organisation*

1) Banks and investment firms must be organised in accordance with their business circle.<sup>4</sup>

2) Banks and investment firms shall require<sup>5</sup>

- a) a board of directors responsible for overall direction, supervision, and control,<sup>6</sup>
- b) a general management consisting of at least two members who perform their activities with joint responsibility and who may not simultaneously be members of the board of directors, and<sup>7</sup>
- c) an internal audit department that reports directly to the board of directors.<sup>8</sup>

3) In special cases, the FMA may approve an exception subject to conditions, as long as the exception does not contradict any EEA legal provisions.<sup>9</sup>

<sup>1</sup> Article 21, paragraph 1 amended by LGBl. 2007 No. 261.

<sup>2</sup> Article 21, paragraph 2 amended by LGBl. 2007 No. 261.

<sup>3</sup> Article 21, paragraph 3 amended by LGBl. 1999 No. 87 and LGBl. 2004 No. 176.

<sup>4</sup> Article 22, paragraph 1 amended by LGBl. 2007 No. 261.

<sup>5</sup> Article 22, paragraph 2, introductory phrase amended by LGBl. 2007 No. 261.

<sup>6</sup> Article 22, paragraph 2(a) amended by LGBl. 1998 No. 223.

<sup>7</sup> Article 22, paragraph 2(b) amended by LGBl. 1998 No. 223.

<sup>8</sup> Article 22, paragraph 2(c) amended by LGBl. 1998 No. 223.

<sup>9</sup> Article 22, paragraph 3 amended by LGBl. 1998 No. 223, LGBl. 1999 No. 87 and LGBl. 2004 No. 176.

4) The distribution of functions between the board of directors and the general management must guarantee proper monitoring of business conduct.

5) By ordinance, the Government shall specify in which special cases a bank or investment firm may be exempted from the obligation under paragraph 2(c).<sup>1</sup>

#### Article 23

##### *Responsibilities of the board of directors*

1) The board of directors shall be responsible for the overall direction, supervision, and control of the bank or investment firm.<sup>2</sup>

2) In particular, the board of directors shall have the following responsibilities that may not be transferred:

- a) specifying the organisation and issuing the necessary instructions;
- b) specifying the accounting system, financial control, and financial planning, inasmuch as required by the type and scope of the business activities;
- c) appointing and dismissing the persons entrusted with management and representation;
- d) supervising the persons entrusted with management, also with respect to compliance with the legal provisions, articles of association, and regulations, and with respect to the economic development of the undertaking;
- e) compiling the business report and approving the interim financial statements, as well as preparing the general meeting and executing its resolutions.<sup>3</sup>

#### Article 24<sup>4</sup>

##### *Initial capital*

1) The initial capital must be paid up in full and amount to:

- a) in the case of banks, at least 20 million francs or the equivalent in euros or U.S. dollars;

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<sup>1</sup> Article 22, paragraph 5 amended by LGBL 2007 No. 261.

<sup>2</sup> Article 23, paragraph 1 amended by LGBL 2007 No. 261.

<sup>3</sup> Article 23, paragraph 2(e) amended by LGBL 1998 No. 223.

<sup>4</sup> Article 24 amended by LGBL 2007 No. 261.

b) in the case of investment firms under this Act, at least 3 million francs or the equivalent in euros or U.S. dollars.

2) Depending on the type and scope of the business circle, the FMA may require a divergent initial capital.

3) The initial capital consists of the paid-up capital (with the exception of cumulative preference shares), including any issue premium and any reserves and accumulated profits.

4) After the commencement of business activity the minimum capital must not fall:

a) in the case of banks, below 10 million francs or the equivalent in euros or U.S. dollars;

b) in the case of investment firms under this Act, below 1.5 million francs or the equivalent in euros or U.S. dollars.

5) The minimum capital consists of the paid-up capital (with the exception of cumulative preference shares), including any issue premium, any reserves and profits brought forward as well as the reserves for general banking risks.

#### Article 25<sup>1</sup>

##### *Residence*

Repealed.

#### Article 26

##### *Notification requirement*

1) Banks and investment firms must notify or submit the following to the FMA:<sup>2</sup>

- a) the composition of the board of directors, the general management, and the head of the internal audit department;
- b) the articles of association and the regulations;
- c) the organisation;

<sup>1</sup> Article 25 amended by LGBl. 2007 No. 175.

<sup>2</sup> Article 26, paragraph 1, introductory phrase amended by LGBl. 2007 No. 261.

- d) the subsidiaries, branches, and agencies;<sup>1</sup>
- e) any qualifying holdings in companies operating in the financial sector;<sup>2</sup>
- f) the ownership situation with respect to voting capital, to the extent it concerns qualifying holdings;<sup>3</sup>
- g) the independent auditor.

2) Banks and investment firms must notify the FMA of changes to the facts enumerated in paragraph 1 without delay. This notification must occur prior to any public announcement.<sup>4</sup>

3) Amendments to the articles of association and the regulations concerning the business circle, the capital stock, or the organisation, as well as any change of the independent auditor shall additionally require approval by the FMA. Any respective entries in the Public Registry shall only be permissible after approval by the FMA.<sup>5</sup>

4) In the case of undertakings that must be included in the consolidation of own funds under article 4, paragraph 2, the provisions of paragraphs 1 and 2 shall apply *mutatis mutandis*.<sup>6</sup>

5) Banks and investment firms shall notify the FMA immediately in all cases where their counterparties in repurchase agreements and reverse repurchase agreements or securities-lending and commodities-lending transactions or securities-borrowing and commodities-borrowing transactions have not met their obligations.<sup>7</sup>

#### Article 26a

##### *Qualifying holdings*

1) Any intended direct or indirect acquisition, any intended direct or indirect increase, and any intended sale of a qualifying holding in a bank or investment firm must be notified to the FMA.

<sup>1</sup> Article 26, paragraph 1(d) amended by LGBl. 1998 No. 223.

<sup>2</sup> Article 26, paragraph 1(e) amended by LGBl. 2007 No. 261.

<sup>3</sup> Article 26, paragraph 1(f) amended by LGBl. 2007 No. 261.

<sup>4</sup> Article 26, paragraph 2 amended by LGBl. 2007 No. 261.

<sup>5</sup> Article 26, paragraph 3 amended by LGBl. 1999 No. 87 and LGBl. 2004 No. 176.

<sup>6</sup> Article 26, paragraph 4 inserted by LGBl. 1998 No. 223.

<sup>7</sup> Article 26, paragraph 5 inserted by LGBl. 2007 No. 261.

2) The FMA shall consult the authority responsible for licensing the acquirer or the undertaking whose parent undertaking or controlling person intends to carry out the acquisition or the increase, if the acquisition or the increase of a holding referred to in paragraph 1 is intended by:

a) a bank, investment firm, asset management company, or management company pursuant to the Act concerning Specific Organisms for Collective Investments in Securities or the Investment Undertakings Act licensed in an EEA Member State;

b) a parent undertaking of an undertaking referred to in subparagraph (a); or

c) a natural or legal person controlling an undertaking referred to in subparagraph (a).

3) By ordinance, the Government shall specify further details concerning the procedure and the criteria for evaluating the acquisition, increase, or sale of qualifying holdings.

### 3. Expiration, withdrawal, and revocation<sup>1</sup>

#### Article 27<sup>2</sup>

##### *Expiration of the license*

1) Licenses shall expire if:

- a) business activities have not been initiated within one year;
- b) business activities have no longer been undertaken for at least six months;
- c) the license is renounced in writing;
- d) bankruptcy proceedings have been initiated; or
- e) the business has been cancelled in the Public Registry.<sup>3</sup>

2) The expiration of a license shall be published in the official publication organs at the expense of the license holder.

<sup>1</sup> Title preceding article 27 inserted by LGBl. 1998 No. 223.

<sup>2</sup> Article 27 amended by LGBl. 2007 No. 261.

<sup>3</sup> Article 27, paragraph 1(e) amended by LGBl. 2013 No. 6.

## Article 28

*Withdrawal of the license; termination and cancellation<sup>1</sup>*

1) Licenses shall be withdrawn if:

- a) the preconditions for granting the license are no longer fulfilled;
- b) the license holder systematically and seriously violates the legal obligations; or
- c) the license holder fails to comply with the FMA's demands to restore a lawful state of affairs.<sup>2</sup>

2) In the case of banks and investment firms, the withdrawal of the license entails termination and cancellation in the Public Registry.<sup>3</sup>

3) The withdrawal of the license must be substantiated, communicated to the affected parties, and, upon becoming final, be published in the official publication organs at the expense of the license holder. The FMA must notify every withdrawal to the Standing Committee of the EFTA States and the EFTA Surveillance Authority.<sup>4</sup>

4) A company whose registered office is in Liechtenstein or the Liechtenstein branch of a company whose registered office is abroad that performs activities under article 3 without a license may be terminated by the FMA if the purpose of this Act so requires. In urgent cases, this may be done without prior warning and without imposing a deadline.<sup>5</sup>

5) The FMA shall take the measures necessary for liquidation and the settlement of current transactions, and it shall issue the requisite instructions to the liquidator.<sup>6</sup>

6) The FMA shall monitor the liquidator.<sup>7</sup>

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<sup>1</sup> Article 28 heading amended by LGBl. 1998 No. 223.

<sup>2</sup> Article 28, paragraph 1 amended by LGBl. 2007 No. 261.

<sup>3</sup> Article 28, paragraph 2 amended by LGBl. 2013 No. 6.

<sup>4</sup> Article 28, paragraph 3 amended by LGBl. 2007 No. 261.

<sup>5</sup> Article 28, paragraph 4 amended by LGBl. 1998 No. 223 and LGBl. 2004 No. 176.

<sup>6</sup> Article 28, paragraph 5 amended by LGBl. 1998 No. 223 and LGBl. 2004 No. 176.

<sup>7</sup> Article 28, paragraph 6 amended by LGBl. 1998 No. 223, LGBl. 1999 No. 87 and LGBl. 2004 No. 176.

## Article 29

*Revocation of the license<sup>1</sup>*

1) The FMA may amend or revoke licenses if the license holder obtained the license dishonestly by providing false information or if the FMA was not aware of material circumstances.<sup>2</sup>

2) The revocation of a license shall be published in the official publication organs at the expense of the license holder.

**4. Supervision taxes and fees<sup>3</sup>**Article 30<sup>4</sup>*Principle*

Supervision taxes and fees shall be levied in accordance with the financial market supervision legislation.

**B. Representative offices<sup>5</sup>**

## Article 30a

*License<sup>6</sup>*

1) The establishment of a representative office by a bank shall require a license issued by the FMA.<sup>7</sup>

2) The license shall be granted if:<sup>8</sup>

a) the bank is subject to supervision in the country of its registered office or central administration comparable to Liechtenstein supervision;<sup>9</sup>

<sup>1</sup> Article 29 heading amended by LGBl. 1998 No. 223.

<sup>2</sup> Article 29, paragraph 1 amended by LGBl. 1998 No. 223 and LGBl. 2004 No. 176.

<sup>3</sup> Title preceding article 30 amended by LGBl. 2004 No. 176.

<sup>4</sup> Article 30 amended by LGBl. 2004 No. 176.

<sup>5</sup> Title preceding article 30a inserted by LGBl. 1998 No. 223.

<sup>6</sup> Article 30a heading amended by LGBl. 1998 No. 223.

<sup>7</sup> Article 30a paragraph 1 amended by LGBl. 2007 No. 261.

<sup>8</sup> Article 30a paragraph 2, introductory phrase inserted by LGBl. 1998 No. 223.

<sup>9</sup> Article 30a paragraph 2(a) amended by LGBl. 2007 No. 261.



## C. Relationship with the European Economic Area<sup>1</sup>

### 1. Establishment of branches and free movement of services<sup>2</sup>

#### Article 30b<sup>3</sup>

##### *Branches of Liechtenstein banks and investment firms*

1) Liechtenstein banks or investment firms which intend to establish a branch within the territory of another EEA Member State must notify this to the FMA.

2) The following information must be included in the notification under paragraph 1:

- a) the EEA Member State in whose territory the branch is to be established;
- b) a business plan indicating the type of the activities envisaged and the organisational structure of the branch;
- c) an address from which the documents of the bank or investment firm may be requested in the host Member State;
- d) the names of the responsible managers of the branch.

3) Within three months after the receipt of all the information, the FMA shall transmit the information under paragraph 2 to the competent authority of the host Member State, provided that in view of the intended activities, there is no reason to doubt the adequacy of the administrative structures and the financial situation of the bank or investment firm. The FMA shall notify the bank or investment firm of the transmission of the information.

4) Moreover, the FMA shall communicate the following information to the competent authority of the host Member State:

- a) in the case of a bank: the amount of the own funds and the sum of the own funds requirements as well as, where the applicant is a bank, detailed information on the deposit guarantee system to ensure protection of the bank's depositors;
- b) in the case of an investment firm: the amount of the own funds and the sum of the own funds requirements as well as, where the

<sup>1</sup> Title preceding article 30b inserted by LGBl. 1998 No. 223.

<sup>2</sup> Title preceding article 30b amended by LGBl. 2007 No. 261.

<sup>3</sup> Article 30b amended by LGBl. 2007 No. 261.

applicant is an investment firm, detailed information on the investor protection system to ensure protection of the branch's investors.

5) If the FMA refuses to transmit the information set out in paragraph 2 to the competent authority of the host Member State, it shall state the reasons to the bank or investment firm concerned within three months after receipt of all information. In the case of such refusal or lack of communication by the FMA, article 62 shall apply *mutatis mutandis*.

6) The bank or investment firm shall notify the FMA and the competent authority of the host Member State in writing of any changes to the content of the information set out in paragraph 2(b) to (d), banks also of any changes to the information set out in paragraph 4(a), second phrase, and investment firms also of any changes to the information set out in paragraph 4(b), second phrase, at least one month before they are executed. Paragraphs 3 and 5 shall apply *mutatis mutandis*.

7) The FMA shall notify the Standing Committee of the EFTA States and the EFTA Surveillance Authority of the number and type of cases in which it has refused to transmit the information pursuant to paragraphs 3 and 6 to the competent authority of the host Member State.

8) The use of tied agents situated in the territory of another EEA Member State shall be deemed equivalent to the establishment of a branch of an investment firm.

9) If a bank or investment firm with registered office in another EEA Member State has established several branches in one and the same Member State, these branches shall be considered as a single branch.

#### Article 30c<sup>1</sup>

##### *Free movement of services of Liechtenstein banks and investment firms*

1) Liechtenstein banks or investment firms intending to perform their activities in the territory of another EEA Member State by virtue of free movement of services for the first time must notify the FMA of the following:

- a) the EEA Member State in whose territory they intend to perform the activities;
- b) the activities they intend to perform;

<sup>1</sup> Article 30c amended by LGBl. 2007 No. 261.

c) the name and address of any tied agents to be used in the territory of another EEA Member State who are situated in Liechtenstein.

2) The Government shall determine by ordinance the permissible business activities of a bank or investment company operating by virtue of free movement of services.

3) The FMA shall draw the attention of the competent authority of the host Member State to the notification referred to in paragraph 1 within one month of receipt.

4) Banks and investment firms must notify the FMA and the competent authority of the host Member State of any changes to the content of the information set out in paragraph 1(b) at least one month before they are executed.

#### Article 30d<sup>1</sup>

##### *Branches of banks, financial institutions, and investment firms from the European Economic Area*

1) The establishment of a branch of banks, financial institutions, and investment firms from the European Economic Area is permissible if they perform one or more of their permitted activities, are supervised by the competent authorities of the home Member State, and these authorities have transmitted to the FMA all information about:

- a) the bank pursuant to article 30b, paragraph 2(b) to (d) and paragraph 4(a);
- b) the financial institution pursuant to article 30b, paragraph 2(b) to (d) and paragraph 4(a), first phrase;
- c) the investment firm pursuant to article 30b, paragraph 2(b) to (d) and paragraph 4(b).

2) In addition to the information under paragraph 1(b), a confirmation issued by the competent authorities of the home Member State must be presented according to which the financial institution meets the following preconditions:

- a) the financial institution is a subsidiary of a bank or a joint subsidiary of several banks;
- b) the articles of association of the financial institution permit the activities mentioned;

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<sup>1</sup> Article 30d amended by LGBL 2007 No. 261.

- c) the parent undertaking(s) is/are authorised as a bank in the EEA Member State in which the registered office of the subsidiary is situated;
- d) the activities concerned are actually performed in the territory of the same EEA Member State;
- e) the parent undertakings(s) hold(s) at least 90% of the voting rights associated with the units or shares of the subsidiary;
- f) the parent undertaking(s) provide(s) the FMA with evidence of the prudent conduct of business of the subsidiary and, with the consent of the competent authority of the home Member State, vouch(es) jointly and severally for the liabilities assumed by the subsidiary;
- g) the subsidiary is included in supervision by the parent undertaking(s) on a consolidated basis, in particular with respect to the minimum own funds requirements, control of cluster risks, and limitation of holdings.

3) By ordinance, the Government shall determine the permissible business activities of the branch of a bank, financial institution, or investment firm.

4) Within two months after receipt of the information set out in paragraphs 1 and 2, the FMA shall inform the bank, financial institution, or investment firm concerned about the required notifications and conditions, including any rules of conduct, that apply to the exercise of activities in Liechtenstein on grounds of public interest.

5) After receipt of the communication under paragraph 4, but no later than after expiry of a time limit of two months, the bank, financial institution, or investment firm may establish the branch and take up business operations. The establishment of the branch may not be made dependent on either a national authorisation or an initial capital.

6) The bank, financial institution, or investment firm must notify the FMA in writing of any changes to the content of the information under paragraph 1 at least one month prior to their execution.

7) Every half year, the bank, financial institution, or investment firm must submit a report to the FMA about the branch's activities.

8) If the financial institution no longer meets the preconditions set out in paragraphs 1 and 2 and the competent authority has notified the FMA accordingly, the activities of the financial institution in Liechtenstein shall become subject to Liechtenstein provisions.

9) When fulfilling the responsibilities delegated to the FMA under this Act, the FMA may demand that the branches of the banks, financial

institutions, and investment firms provide information necessary to monitor compliance with the provisions applicable to them.

10) Paragraphs 1 to 9 apply *mutatis mutandis* to subsidiaries of financial institutions engaged in activities as a financial institution.

11) The appointment of tied agents domiciled in Liechtenstein shall be deemed equivalent to the establishment of a branch.

12) If a bank or investment firm with registered offices in another EEA Member State has established several business premises in one and the same Member State, these business premises shall be considered to constitute a single branch.

#### Article 30e<sup>1</sup>

##### *Free movement of services of banks, financial institutions, and investment firms from the European Economic Area*

1) A first-time activity in Liechtenstein by virtue of free movement of services of a bank, financial institution, or investment firm shall require notification by the competent authority of the home Member State to the FMA. This notification shall contain the following:

- a) information concerning the planned activities (business plan); these activities must be permissible activities in accordance with article 30d, paragraph 3;
- b) confirmation that the transmitting authority has authorised and supervises the bank, financial institution, or investment firm;
- c) confirmation that the planned activities are covered by the authorisation issued by the competent authority of the home Member State;
- d) the names and addresses of any tied agents not domiciled in Liechtenstein who may be appointed.

2) Upon receipt of the notification, the bank, financial institution, or investment firm may begin to provide the services in question.

3) In addition to the information under paragraph 1, a confirmation issued by the competent authorities of the home Member State must be presented, according to which the financial institution meets the following preconditions:

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<sup>1</sup> Article 30e amended by LGBL 2007 No. 261.

- a) the financial institution is a subsidiary of a bank or a joint subsidiary of several banks;
- b) the articles of association of the financial institution permit the activities mentioned;
- c) the parent undertaking(s) is/are authorised as a bank in the EEA Member State in which the registered office of the subsidiary is situated;
- d) the activities concerned are actually performed in the territory of the same EEA Member State;
- e) the parent undertakings(s) hold(s) at least 90% of the voting rights associated with the units or shares of the subsidiary;
- f) the parent undertaking(s) provide(s) the FMA with evidence of the prudent conduct of business of the subsidiary and, with the consent of the competent authority of the home Member State, vouch(es) jointly and severally for the liabilities assumed by the subsidiary;
- g) the subsidiary is included in oversight by the parent undertaking(s) on a consolidated basis, in particular with respect to minimum own funds requirements, control of cluster risks, and limitation of holdings.

4) The FMA shall communicate to the bank, the financial institution, or the investment firm the conditions, including any rules of conduct, that apply to the exercise of activities in Liechtenstein on grounds of public interest.

5) The bank, financial institution, or investment firm must notify the FMA in writing of any change to the content of the information referred to in paragraph 1 at least one month before the changes are carried out.

6) If the financial institution no longer meets the preconditions set out in paragraph 3 and the competent authority has notified the FMA accordingly, the activities of the financial institution in Liechtenstein shall become subject to Liechtenstein provisions.

7) The provisions of this article shall apply *mutatis mutandis* to subsidiaries of financial institutions engaged in activities as a financial institution.

8) Investment firms from EEA Member States shall have access to regulated markets, central counterparties, and clearing and settlement systems domiciled in Liechtenstein as banks.

## 2. Cooperation with competent authorities of EEA Member States in general<sup>1</sup>

### Article 30f<sup>2</sup>

#### *Principle*

Within the framework of its oversight, the FMA shall cooperate closely with the competent authorities of the other EEA Member States in accordance with this Act.

### Article 30g<sup>3</sup>

#### *Joint action against abuse*

1) If the FMA has justified reasons to assume that undertakings not subject to its supervision are violating or have violated provisions of Directive 2004/39/EC in the territory of another EEA Member State, then the FMA shall communicate these circumstances to the competent authority as precisely as possible.

2) If a competent authority of another EEA Member State communicates to the FMA that an undertaking is violating or has violated the provisions of this Act in Liechtenstein, then the FMA shall seize appropriate measures against that undertaking. The FMA shall notify the communicating authority of the measures seized and the procedure.

### Art. 30h

#### *Exchange of information*

1) The FMA shall transmit to a requesting competent authority of an EEA Member State all information which the latter needs to exercise its duties of supervision, provided that:

a) this does not violate the sovereignty, security, public order, or other substantial national interests of Liechtenstein;

b) the recipients and the persons employed with and instructed by the competent authorities are subject to an obligation of secrecy equivalent to that of article 31a;

<sup>1</sup> Title preceding article 30f inserted by LGBl. 2007 No. 261.

<sup>2</sup> Article 30f amended by LGBl. 2007 No. 261.

<sup>3</sup> Article 30g amended by LGBl. 2007 No. 261.

c) it is guaranteed that the information given will only be used for the purpose of financial market supervision, in particular the supervision of banks, investment firms, or supervised markets in terms of article 3 paragraph 1, subparagraph m of the Market Abuse Act on which financial instruments are traded; and

d) information that comes from abroad is given with the express consent of the authority that disclosed that information, and if it is guaranteed that the information will only be forwarded, if at all, for the purpose to which such foreign authority has given its consent.

2) The FMA may request the competent authorities of other EEA Member States to transmit all information necessary to fulfil the duties pursuant to this Act. It may forward the information received to the offices listed in article 31. Except in those cases where adequate grounds are supplied, it may only forward such information to other offices or natural or legal persons in compliance with paragraph 1, subparagraph d mutatis mutandis. In that case, the FMA shall forthwith inform the authority that supplied the information.

3) The supervisory bodies, administrative authorities, offices, and natural and legal persons listed in article 31 who receive confidential information may use such information only for the following purposes in exercising their duties:

a) to examine whether the licensing conditions for banks and investment firms have been met;

b) to monitor the conduct of activities on an institute basis or consolidated basis, in particular as regards solvency, administrative and accounting organisation, internal control mechanisms, and the liquidity of banks and investment firms as well as that of branches of banks, financial institutions, and investment firms.

c) to monitor the smooth functioning of trading venues;

d) to impose sanctions;

e) in the course of proceedings on the contestation of decisions of the FMA pursuant to article 62; or

f) in the course of extrajudicial proceedings for complaints by investors pursuant to article 62a.

4) This article as well as articles 14, 30q, 30r and 31a shall not prevent the FMA from transmitting information to the following authorities or bodies for the purpose of their tasks:



the central banks of the European System of Central Banks, the Swiss National Bank, and other bodies with a similar function in their capacity as monetary authorities when this information is relevant for the exercise of their respective statutory tasks, including the conduct of monetary policy and related liquidity provision, oversight of payment, clearing and securities settlement systems and the safeguarding of the stability of the financial system;

where appropriate, to other public authorities responsible for overseeing payment systems.

5) Likewise this article as well as articles 14, 30q, 30r and 31a shall not prevent the authorities or bodies referred to in paragraph 4 from transmitting such information to the FMA as it may need for the purpose of performing its tasks under this Act.

6) In emergency situations as referred to in article 41f, the FMA may forward information to the central banks of the European System of Central Banks and the Swiss National Bank when this information is relevant for the exercise of their respective statutory tasks.

7) The Government will specify further details by ordinance.

#### Article 30i<sup>1</sup>

##### *Monitoring, on-site inspection, and investigations*

1) The competent authority of an EEA Member State may request the FMA in matters concerning the law of supervision to cooperate in monitoring, in on-site inspections, or in an investigation.

2) If the FMA receives a request for an on-site inspection or for an investigation, it shall become active within the limits of its powers and in compliance with article 30h, paragraph 1 by:

- a) carrying out the inspections or investigations itself;
- b) permitting the requesting authority to carry out the inspection or investigation; or
- c) permitting independent auditors or experts to carry out the inspection or investigation.

3) If on-site audits are not carried out by the FMA itself, the inspectors shall be accompanied by employees of the FMA.

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<sup>1</sup> Article 30i amended by LGBL 2007 No. 261.

4) With regard to branches of banks, financial institutions, or investment firms in Liechtenstein subject to the supervision of competent foreign authorities, such authorities may, following prior notification of the FMA, examine the information necessary for supervision on site themselves or through persons appointed for that purpose.

5) Without prejudice to the provisions of this article, the FMA may within the framework of its duties under this Act carry out audits of branches of foreign banks, financial institutions, or investment firms in Liechtenstein or instruct chartered accountants or experts to do so.

6) The FMA may ask the competent authority of a Member State to cooperate in monitoring, in an on-site inspection, or in an investigation.

#### Article 30k<sup>1</sup>

##### *Refusal of cooperation*

1) The FMA may refuse a request for cooperation in carrying out an investigation, an on-site inspection, or monitoring pursuant to article 30i or for an exchange of information pursuant to Art. 30h only if:

- a) proceedings are already pending in a Liechtenstein court on the basis of the same acts and against the same person; or
- b) a final judgment has been rendered in Liechtenstein against the persons in question on the basis of the same acts.

2) In the event of refusal, the FMA shall inform the requesting authority accordingly and shall inform it about the reason for refusal.

#### Article 30l<sup>2</sup>

##### *Precautionary measures*

1) If the FMA has clear and demonstrable reason to assume that a bank, investment firm, or financial institution working in Liechtenstein by virtue of free movement of services or that a bank, investment firm, or financial institution with a branch in Liechtenstein violates the rules and conditions applicable pursuant to this Act and the associated ordinances, it shall inform the competent authority of the home Member

<sup>1</sup> Article 30k amended by LGBl. 2007 No. 261.

<sup>2</sup> Article 30l amended by LGBl. 2007 No. 261.

State, unless jurisdiction for supervision has been transferred to the FMA.

2) If the bank, financial institution, or investment firm continues to behave in a way that is clearly detrimental to the interests of customers in Liechtenstein or to the due functioning of the markets despite measures taken by the competent authority of the home Member State or because such measures are insufficient, then the FMA shall after informing the competent authority of the home Member State take all suitable measures to ensure the protection of the clients and the due functioning of the markets. These measures include the option of prohibiting the bank, financial institution, or investment firm concerned from entering into new business in Liechtenstein. The EFTA Surveillance Authority shall be informed of such measures forthwith.

3) If the FMA finds that a bank, a financial institution, or an investment firm with a branch in Liechtenstein does not comply with the legal provisions, rules of conduct, or professional guidelines, it shall call upon the bank, financial institution, or investment firm to end the situation that is in violation of the rules. If the bank, financial institution, or investment firm does not comply with such demand, the FMA shall take all suitable measures to ensure that the bank, financial institution, or investment firm concerned will end the situation that is in violation of the rules. The type of such measures shall be communicated to the competent authorities of the home Member State.

4) If the bank, financial institution, or investment firm continues to violate the provisions referred to in paragraph 3 despite the measures taken by the FMA, the FMA may after notifying the competent authorities of the home Member State take suitable measures to prevent or punish further violations; as far as necessary, it may also prohibit the bank, financial institution, or investment firm from carrying out new business in Liechtenstein. The EFTA Surveillance Authority shall be informed of such measures forthwith.

5) Paragraphs 3 and 4 shall also apply if the measures taken by the home Member State prove to be insufficient or if no measures have been taken.

6) In urgent cases, the FMA may before initiating proceedings pursuant to paragraphs 1 through 6 take the necessary measures for the protection of depositors, investors, or other recipients of services, in particular for the protection of the entrusted assets. The competent authorities of the EEA Member States concerned, the Standing

Committee of the EFTA States and die EFTA Surveillance Authority shall be informed forthwith.

7) If the competent authority of the home Member State withdraws the authorisation of the bank, financial institution, or investment firm, the FMA shall take suitable measures so that the bank, financial institution, or investment firm will not carry out any new business in Liechtenstein and the interest of depositors and investors are preserved. If the FMA withdraws the authorisation of a bank, a financial institution or an investment firm, the competent authorities of the host Member States shall be informed.

8) Any measure pursuant to this article that includes sanctions or restrictions to the activities of a bank, financial institution, or investment firm shall be issued with proper grounds, and the bank, financial institution, or investment firm concerned shall be informed.

9) The FMA shall inform the Standing Committee of the EFTA States and the EFTA Surveillance Authority of the number and nature of those cases in which measures pursuant to paragraphs 3 and 4 have been taken.

## **D. Relationship with third States<sup>1</sup>**

### **1. Formation of branches from third States<sup>2</sup>**

#### Article 30m<sup>3</sup>

##### *Principle*

1) The formation of a branch of a bank or an investment firm outside the European Economic Area shall require a licence.

2) The licence shall be given by the FMA if:

a) the bank or investment firm is subject to consolidated supervision comparable to Liechtenstein supervision;

<sup>1</sup> Title preceding article 30m inserted by LGBl. 2007 No. 261.

<sup>2</sup> Title preceding article 30m inserted by LGBl. 2007 No. 261.

<sup>3</sup> Article 30m amended by LGBl. 2007 No. 261.

- b) the bank or investment firm is sufficiently organised and has sufficient qualified personnel and financial means to operate a branch in Liechtenstein;
- c) the supervisory authority of the home State has no objections against the formation of the branch and declares that it will inform the FMA forthwith if circumstances occur that could seriously endanger the interests of the creditors;
- d) the other provisions of this Act and the associated ordinances have been complied with *mutatis mutandis*.

3) The FMA shall inform the Standing Committee of the EFTA States, the EFTA Surveillance Authority, and the European Banking Committee of authorisations of branches granted by it to banks with registered offices outside the European Economic Area.

4) The branch shall publish its annual accounts together with the annual accounts of the foreign bank or investment firm within four months from the end of the business year and send them to the FMA together with the bank's business report.

5) The annual accounts of the foreign bank or investment firm shall be published in German in accordance with the accounting and classification rules applicable at its main office.

6) The branch's annual accounts shall include the claims and liabilities vis-à-vis the main office and the other branches of the bank or investment firm as well as vis-à-vis the companies from the banking and finance industry directly or indirectly controlled by the bank or investment firm. This shall also apply to contingent or pending business.

7) When starting and performing their activities, branches of banks or investment firms with registered offices in third States must not be put in a more favourable position than branches of banks and investment firms with registered offices within the European Economic Area.

## 2. Cooperation with the competent authorities of third States<sup>1</sup>

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<sup>1</sup> Title preceding article 30n inserted by LGBl. 2007 No. 261.

## Art. 30n

*Cooperation in emergency situations*

1) The FMA shall transmit to the competent authority of the host Member State in which a significant branch of a Liechtenstein bank or investment firm is located information as referred to in article 41h, paragraph 4, subparagraphs (c) and (d).

2) The FMA shall plan and coordinate supervisory activities in emergency situations as referred to in article 41e, paragraph 1(c) in cooperation with the competent authority of the host Member State in which a significant branch of a Liechtenstein bank or investment firm is located.

Article 30o<sup>1</sup>*Cooperation agreements*

1) The FMA may enter into cooperation agreements on the exchange of information with the competent authorities of third States within the limits of this Act.

2) Also within the limits of this Act, the FMA may enter into cooperation agreements on the exchange of information with authorities, bodies, and natural or legal persons of third States who have the competence:

- a) to supervise banks, financial institutions, investment firms, insurance companies, or financial markets;
- b) to carry out proceedings for winding up, bankruptcy, and the like with banks, financial institutions, or investment firms;
- c) in exercising their duties of supervision, to carry out the mandatory audit of the accounting of banks, financial institutions, investment firms, and insurance companies or to manage compensation systems in exercising their duties;
- d) to supervise the offices involved in winding up and in bankruptcy proceedings or similar proceedings with regard to banks, financial institutions, or investment firms; or
- e) to supervise the persons who carry out the mandatory audit of the accounting documents of insurance companies, banks, financial institutions, or investment firms.

<sup>1</sup> Article 30o amended by LGBl. 2007 No. 261.

**IIIa. Regulated markets and multilateral trading facilities<sup>1</sup>**Article 30p<sup>2</sup>*Regulated markets*

1) Operation of a regulated market shall require a licence issued by the FMA. The licence shall be granted if:

- a) the regulated market has clear and transparent rules regarding the admission of financial instruments to trading;
- b) transparent, non-discriminatory access to membership of the regulated market is guaranteed;
- c) effective systems exist for the smooth conclusion of transactions on the regulated market and the performance thereof; and
- d) fair and transparent trading on the regulated market and its oversight by the organs of the regulated market are ensured.

2) Only banks and investment firms that may also be operators of a multilateral trading facility may be operators of regulated markets.

3) Article 11, paragraphs 1 and 2, article 17, paragraph 2, and article 30e, paragraphs 1, 4, and 5 apply *mutatis mutandis* to operators of regulated markets.

4) The Government shall specify further details by ordinance, especially concerning the licencing conditions, the licencing procedure, and the operation of a regulated market.

## Art. 30q

*Exchange of information, monitoring, on-site inspection, and investigations*

1) Within the framework of its duties of financial market supervision, the FMA shall closely cooperate with the competent authorities of a third State in monitoring, on-site inspections, investigations, or in the exchanging of information, articles 30h and 30i applying *mutatis mutandis*.

2) Subject to paragraph 1, the FMA may forward personal data to third States in accordance with article 8 of the Data Protection Act.

<sup>1</sup> Title preceding article 30p inserted by LGBl. 2007 No. 261.

<sup>2</sup> Article 30p inserted by LGBl. 2007 No. 261.

## Art. 30r

*Cooperation agreements*

1) The FMA may enter into cooperation agreements on the exchange of information with the competent authorities of third States within the limits of this Act.

2) Also within the limits of this Act, the FMA may enter into cooperation agreements on the exchange of information with authorities, bodies, and natural or legal persons of third States who have the competence:

- a) to supervise banks, financial institutions, investment firms, insurance companies, or financial markets;
- b) to carry out proceedings for winding up, bankruptcy, and the like with banks, financial institutions, or investment firms;
- c) in exercising their duties of supervision, to carry out the mandatory audit of the accounting of banks, financial institutions, investment firms, and insurance companies or to manage compensation systems in exercising their duties;
- d) to supervise the offices involved in winding up and in bankruptcy proceedings or similar proceedings with regard to banks, financial institutions, or investment firms; or
- e) to supervise the persons who carry out the mandatory audit of the accounting documents of insurance companies, banks, financial institutions, or investment firms.

## Art. 30s

## Art. 30t

**IV. Supervision<sup>1</sup>**

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<sup>1</sup> Title preceding article 31 amended by LGBl. 2007 No. 261.



Article 31<sup>1</sup>*Organization and implementation*

The following shall be entrusted with the implementation of this Act:

- a) the Financial Market Authority (FMA);
- b) the auditors;
- c) the Court of Justice of the Principality of Liechtenstein (Landgericht).

Article 31a<sup>2</sup>*Official secrecy*

1) The bodies entrusted with the implementation of this Act, additional persons possibly brought in by these bodies as well as all representatives of authorities shall for an unlimited period of time be subject to official secrecy with regard to the confidential information made known to them during the course of their official activity.

2) The information subject to official secrecy must not be passed on. Special statutory provisions remain reserved.

3) If bankruptcy proceedings have been opened through a Court Order or liquidation has been initiated against a bank or investment firm, confidential information which does not relate to third parties can be passed on in civil-law or commercial law proceedings insofar as this is necessary for the proceedings concerned.

4) Without prejudice to the cases falling within the criminal law, the FMA, all other administrative authorities and agencies as well as other natural persons and legal entities, may use confidential information which they obtain pursuant to this Act only to perform their responsibilities and tasks within the sphere of application of this Act or for the purposes for which the information was conveyed, and/or in administrative or legal proceedings relating specifically to the performance of these tasks. However, if the FMA or another administrative body or agency or person conveying the information gives consent, the authority which obtains this information may use it for other purposes relating to financial market supervisory regulations.

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<sup>1</sup> Article 31 amended by LGBl. 2004 No. 176.

<sup>2</sup> Article 31a inserted by LGBl. 2007 No. 261.

5) Subject to compliance with national law, the FMA shall be permitted to convey confidential information it has obtained from an EEA member state authority which does not have jurisdiction to other EEA member state authorities with jurisdiction.

Art. 31b<sup>1</sup>

*Cooperation with other domestic authorities*

1) As part of its supervisory function the FMA cooperates with other domestic authorities, to the extent necessary for the performance of their duties.

2) The Office of Justice shall notify the FMA of all amendments to entries in the Commercial Register which relate to a bank or investment firm. It shall also grant the FMA electronic access to the data in the Commercial Register.<sup>2</sup>

**A. Government**

Article 32<sup>3</sup>

*Scope of responsibilities and delegation*

Repealed

**B. Banking Commission**

Article 33<sup>4</sup>

*Responsibilities*

Repealed

<sup>1</sup> Article 31b inserted by LGBl. 2007 No. 261.

<sup>2</sup> Article 31b, paragraph 2 amended by LGBl. 2013 No. 6

<sup>3</sup> Article 32 repealed by LGBl. 2004 No. 176.

<sup>4</sup> Article 33 repealed by LGBl. 2004 No. 176.

Article 34<sup>1</sup>*Composition*

Repealed

**C.) FMA**

## Art. 35

*Duties and powers*

1) The FMA shall supervise the execution of this Act and the associated ordinances and shall take the necessary measures directly, in cooperation with other supervisory bodies, or by complaint to the Office of the Public Prosecutor.

2) The FMA shall have all powers necessary to perform its duties and may in particular:

- a) demand from all persons and entities subject to this Act and to the FMA's supervision and from their independent auditors all information and documents necessary for execution of this Act;
- b) order or carry out extraordinary audits;
- c) issue decisions and decrees for action, cease and desist, and declaration;
- d) following prior threat to do so, publish final decisions and decrees if the party or parties concerned refuse to comply with those;
- e) impose temporary prohibitions to practise a profession;
- f) ask the Office of the Public Prosecutor to apply for measures for securing the absorption of enrichment or the forfeiture of assets subject to the provisions of the Code of Criminal Procedure;
- g) in justified exceptional cases, prohibit the bank or investment firm from making disbursements, receiving payments, or executing transactions with financial instruments.

The associated costs shall be borne by the parties concerned in accordance with article 26, paragraph 2 of the FMA Act.

3) The FMA shall in particular be responsible for:

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<sup>1</sup> Article 34 repealed by LGBL 2004 No. 176.

- a) issuing, withdrawing, and revoking licences;
- b) approving the articles of association and the regulations of the banks and investment firms and amendments thereto;
- c) verifying audit reports;
- d) granting licences to representative offices;
- e) punishing infractions in accordance with article 63, paragraph 3.

4) If the FMA learns of violations of this Act or of other abuses, it shall issue the orders necessary to bring about a lawful state of affairs and to remedy the abuses.

4a) Should other measures alone fail to ensure that the relevant rules, procedures, mechanisms and strategies are improved sufficiently within a reasonable period of time, the FMA shall impose additional own funds requirements beyond the minimum capital resources upon at least the banks or investment firms that do not meet the requirements set out in article 7a, paragraphs 2 to 4 or the minimum requirements concerning cluster risks or the organisational requirements concerning investment services or if an unsatisfactory situation under article 4 and 8 has been identified with respect to those banks or investment firms.

4b) The FMA shall, in the exercise of their general duties, duly consider the potential impact of their decisions on the stability of the financial system in all other Member States concerned, in particular the emergency situations, based on the available information at the time.

5) If there are grounds to assume that an activity subject to this Act is being conducted without a licence, the FMA may demand information and documents from the persons concerned as if these persons were subject to this Act.

6) The FMA may assign an expert as its observer to a bank or investment firm if the claims of creditors appear endangered by serious grievances. The auditor appointed according to the Banking Act may be entrusted with this responsibility. The costs shall be borne by the bank or investment firm. The observer shall monitor the activities of the managing governing bodies, in particular the implementation of the measures ordered, and shall report to the FMA on an ongoing basis. The observer shall enjoy the unrestricted right to inspect the business activities and the books and files of the bank or investment firm.

7) The FMA shall inform the Government of any general difficulties that Liechtenstein banks and investment firms have with respect to a branch or the provision of services under article 3 in a third State. The

Government shall forward this notification to the EFTA Surveillance Authority.

8) The FMA shall keep a publicly accessible register on the banks, investment firms, branches of foreign banks, financial institutions, and investment firms, tied agents, and the independent auditors authorised to audit banks, investment firms, and regulated markets. The register shall be updated monthly. It may be accessed via a retrieval procedure.

9) The FMA shall compile a list containing all parent financial holding companies in EEA Member States that control banks or investment firms for whose supervision on a consolidated basis the FMA is responsible. The list shall be transmitted to the competent authorities in other EEA Member States, the Standing Committee of the EFTA States, and the EFTA Surveillance Authority.

#### Article 36<sup>1</sup>

##### *Data processing*

The FMA may process all data necessary to fulfil its responsibilities under this Act, including personal profiles and particularly sensitive data concerning administrative or criminal prosecutions and penalties imposed with respect to persons responsible for the governance and general management of a bank or investment firm or branch of a bank, financial institution, or investment firm.

#### Article 36a<sup>2</sup>

##### *Disclosure*

- 1) The FMA shall publish the following information:
- a) the texts of the legal and administrative provisions and general guidelines adopted in Liechtenstein in the field of financial market supervision;
  - b) the manner in which the options and areas of discretion granted by EEA law is used;

<sup>1</sup> Article 36 amended by LGBl. 2007 No. 261.

<sup>2</sup> Article 36a amended by LGBl. 2007 No. 261.

- c) the general criteria and methods of the supervisory verification procedure.
- d) aggregated statistical data on key aspects of implementation of the supervision framework provisions in the individual EEA Member States.

2) The information supplied under paragraph 1 must permit a meaningful comparison of the approaches taken by the various competent authorities of the EEA Member States.

## D. Independent auditors

### Article 37

#### *Recognition*

1) Independent auditors and audit associations that audit banks and investment firms shall require a licence issued by the FMA for such activities.<sup>1</sup>

2) The licence shall be granted to independent auditors if

- a) their general management, head auditors, and organisation guarantee that the audit mandates are performed continuously and properly, and
- b) they are organised as limited companies and dispose of adequate share capital.

3) The independent auditors shall dedicate themselves exclusively to audit activities and immediately related transactions such as inspections, liquidations, and reorganisations. They may not engage in banking transactions, investment services, or asset management.<sup>2</sup>

4) The independent auditors must be independent of the banks and investment firms to be audited.<sup>3</sup>

5) The independent auditor must maintain secrecy concerning all facts it has learned about in the course of the audit, except vis-à-vis the

<sup>1</sup> Article 37, paragraph 1 amended by LGBl. 2007 No. 261.

<sup>2</sup> Article 37, paragraph 3 amended by LGBl. 2007 No. 261.

<sup>3</sup> Article 37, paragraph 4 amended by LGBl. 2007 No. 261.

competent governing bodies of the bank or investment firm audited and the FMA.<sup>1</sup>

6) The Government shall specify further details by ordinance.<sup>2</sup>

#### Article 38

##### *Responsibilities and audit report*<sup>3</sup>

1) The independent auditors shall verify whether

- a) the business activities of the bank or investment firm conform to the law, the articles of association, and the regulations,<sup>4</sup>
- b) the preconditions for granting the licence are continuously met, and<sup>5</sup>
- c) the form and content of the business report and the consolidated business report conform to the requirements of the law, articles of association, and regulations.<sup>6</sup>

2) The independent auditor shall summarise the results of the audits under paragraph 1 in a written audit report. By ordinance, the Government shall specify further details on the content of the audit report.<sup>7</sup>

3) The audit report shall be submitted simultaneously to the board of directors of the bank or investment firm, to the auditor appointed according to the Law on Persons and Companies, and to the FMA.<sup>8</sup>

#### Article 39

##### *Grievances*

1) If the independent auditor finds violations of legal provisions or other abuses, it shall impose an appropriate deadline on the bank or investment firm to bring about a lawful state of affairs. If the deadline is not met, the independent auditor shall report to the FMA.<sup>9</sup>

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<sup>1</sup> Article 37, paragraph 5 amended by LGBl. 2007 No. 261.

<sup>2</sup> Article 37, paragraph 6 inserted by LGBl. 1998 No. 223.

<sup>3</sup> Article 38 heading amended by LGBl. 1998 No. 223.

<sup>4</sup> Article 38, paragraph 1(a) amended by LGBl. 2007 No. 261.

<sup>5</sup> Article 38, paragraph 1(b) amended by LGBl. 1998 No. 223.

<sup>6</sup> Article 38, paragraph 1(c) amended by LGBl. 1998 No. 223.

<sup>7</sup> Article 38, paragraph 2 amended by LGBl. 1998 No. 223.

<sup>8</sup> Article 38, paragraph 3(b) amended by LGBl. 2007 No. 261.

<sup>9</sup> Article 39, paragraph 1 amended by LGBl. 2007 No. 261.

2) The independent auditor shall notify the FMA immediately if the imposition of a deadline appears useless, if it finds that the general management has committed punishable offences, or if other serious abuses exist that conflict with the purpose of this Act (article 1).<sup>1</sup>

3) Irrespective of paragraph 1, a duty to report within the meaning of paragraph 2 shall subsist:

- a) in the case of serious violations of the law and articles of association by the general management, especially in the case of violations of the preconditions for granting a licence and the provisions applicable to the exercise of business activities;
- b) in the case of facts or decisions that might adversely affect the continuation of the activities of the bank or investment firm;<sup>2</sup>
- c) in the case of facts or decisions that might lead to a rejection of the business report or the consolidated business report or to reservations in the audit report.<sup>3</sup>

4) A duty to report shall also subsist where, in the course of its audit activities, the independent auditor makes determinations in accordance with paragraph 3 with respect to undertakings closely linked with the bank or investment firm subject to the audit.<sup>4</sup>

5) Independent auditors bringing fact patterns to the attention of the FMA in good faith shall not thereby be deemed in breach of any contractual or legal restrictions on passing on information. Meeting the information requirement in this sense does not entail any adverse consequences for the independent auditor or person passing on the information.<sup>5</sup>

#### Article 40

##### *Audit costs*

1) The banks and investment firms shall bear the costs of the audit. The costs of the audit shall be calculated according to the rate issued by the Government by ordinance.<sup>6</sup>

<sup>1</sup> Article 39, paragraph 2 amended by LGBL 1998 No. 223 and LGBL 2004 No. 176.

<sup>2</sup> Article 39, paragraph 3(b) amended by LGBL 2007 No. 261.

<sup>3</sup> Article 39, paragraph 3 inserted by LGBL 1998 No. 223.

<sup>4</sup> Article 39, paragraph 4 amended by LGBL 2007 No. 261.

<sup>5</sup> Article 39, paragraph 5 inserted by LGBL 2007 No. 261.

<sup>6</sup> Article 40, paragraph 1 amended by LGBL 2007 No. 261.



2) Agreement on lump-sum remuneration or a specific expenditure of time for the audit is prohibited.

## **E. Court of Justice**

### Article 41

#### *Criminal jurisdiction*

The Court of Justice shall have criminal jurisdiction for the offences set out article 63, paragraphs 1 and 2.

## **F. Supervision on a consolidated basis within the framework of the EEA Agreement<sup>1</sup>**

### **1. General provisions<sup>2</sup>**

#### Article 41a

##### *Principles<sup>3</sup>*

1) Any bank or investment firm which has a bank or investment firm as a subsidiary or which has a holding in a bank or investment firm shall be subject to supervision of the consolidated financial status in accordance with the provisions of this section.<sup>4</sup>

2) Any bank or investment firm whose parent undertaking is a financial holding company shall be subject to supervision of the consolidated financial status of the financial holding company in accordance with the provisions of this section.<sup>5</sup>

<sup>1</sup> Title preceding article 41a amended by LGBl. 2007 No. 261.

<sup>2</sup> Title preceding article 41a inserted by LGBl. 2007 No. 261.

<sup>3</sup> Article 41a heading inserted by LGBl. 1998 No. 223.

<sup>4</sup> Article 41a, paragraph 1 amended by LGBl. 2007 No. 261.

<sup>5</sup> Article 41a, paragraph 2 amended by LGBl. 2007 No. 261.

3) The inclusion of a bank, investment firm, or undertaking with bank-related ancillary services in the consolidation may be dispensed with if the undertaking to be included is of minor importance with respect to the consolidation.<sup>1</sup>

4) If the bank or investment firm is a parent undertaking, the FMA may exempt the bank or investment firm from the own funds consolidation as long as the bank or investment firm is itself a subsidiary of a parent undertaking and is in turn subject to appropriate supervision.<sup>2</sup>

5) For all undertakings included in the consolidation under paragraphs 1 and 2, appropriate internal control procedures must be provided for the submission of information and responses that are useful for the consolidated supervision.<sup>3</sup>

6) Subsidiaries of a bank, an investment firm, or a financial holding company that are not included in the supervision on a consolidated basis shall, upon request by the FMA, provide the FMA with all information that is useful for supervision of the subsidiaries. The procedure pursuant to article 41k shall apply in this regard.<sup>4</sup>

7) For purposes of this article, a participation shall be deemed the direct or indirect ownership of 20% or more of the voting rights or capital of another undertaking.<sup>5</sup>

## 2. Competence<sup>6</sup>

### Article 41b<sup>7</sup>

#### *Competence arising from authorisation*

1) If the FMA has authorised a parent bank in an EEA Member State or a parent investment firm in an EEA Member State or an EEA parent bank or an EEA parent investment firm, then the FMA shall be responsible for supervision on a consolidated basis.

<sup>1</sup> Article 41a, paragraph 3 amended by LGBl. 2007 No. 261.

<sup>2</sup> Article 41a, paragraph 4 amended by LGBl. 2007 No. 261.

<sup>3</sup> Article 41a, paragraph 5 inserted by LGBl. 1998 No. 223.

<sup>4</sup> Article 41a, paragraph 6 amended by LGBl. 2007 No. 261.

<sup>5</sup> Article 41a, paragraph 7 inserted by LGBl. 1998 No. 223.

<sup>6</sup> Title preceding article 41b inserted by LGBl. 2007 No. 261.

<sup>7</sup> Article 41b amended by LGBl. 2007 No. 261.

2) If the FMA has authorised a bank or investment firm whose parent undertaking is a parent financial holding company in an EEA Member State or an EEA parent financial holding company, then the FMA shall be responsible for supervision on a consolidated basis.

Article 41c<sup>1</sup>

*Competence in connection with financial holding companies*

1) Where banks or investment firms authorised in Liechtenstein and other EEA Member States have as their parent the same parent financial holding company in an EEA Member State or the same EEA parent financial holding company, supervision on a consolidated basis shall be exercised by the FMA, provided the financial holding company was set up in Liechtenstein.

2) Where the parents of banks or investment firms authorised in Liechtenstein and other EEA Member States comprise more than one financial holding company with registered offices in different EEA Member States and there is a bank or investment firm in each of these EEA Member States, supervision on a consolidated basis shall be exercised by the FMA, provided that the FMA exercises supervision over the bank or investment firm with the largest balance sheet total.

3) Where more than one bank or investment firm authorised in the EEA has as its parent the same financial holding company and none of the banks or investment firms has been authorised in the EEA Member State in which the financial holding company was set up, supervision on a consolidated basis shall be exercised by the FMA, provided that the FMA has authorised the bank or investment firm with the largest balance sheet total. This bank or investment firm shall be considered, for the purposes of this Act, as the bank or investment firm controlled by an EEA parent financial holding company.

4) In particular cases, the FMA may by common agreement with the competent authorities of the other EEA Member States waive the criteria referred to in paragraphs 1 to 3 if their application would be inappropriate, taking into account the banks and investment firms and the relative importance of their activities in different countries, and appoint a different competent authority to exercise supervision on a consolidated basis. The EEA parent bank or EEA parent investment firm, the EEA parent financial holding company, or the bank or investment

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<sup>1</sup> Article 41c amended by LGBI. 2007 No. 261.

firm with the largest balance sheet total shall be given an opportunity to state its opinion prior to that decision.

5) The FMA shall notify the Standing Committee of the EFTA States and the EFTA Surveillance Authority of any agreement falling within paragraph 4.

#### Article 41d<sup>1</sup>

##### *Scope of consolidation in special cases*

1) If a financial holding company under the supervision of the FMA consolidates its financial situation, the FMA is not required to supervise the financial situation on an individual basis as well.

2) When the competent authorities of an EEA Member State do not include a bank or investment firm subsidiary in supervision on a consolidated basis under one of the cases provided for in paragraph 3, the FMA may, provided that it exercises supervision over that subsidiary, ask the parent undertaking for information which may facilitate its supervision of that bank or investment firm.

3) Cases for purposes of paragraph 2 in which no inclusion in the consolidation is necessary are:

- a) the subsidiary is, in the opinion of the competent authorities, of negligible interest only with respect to the objectives of the supervision of banks or investment firms and in any event where the balance sheet total of the undertaking concerned is less than the smaller of the following two amounts:
  1. EUR 10 million; or
  2. 1% of the balance sheet total of the parent undertaking or the undertaking that holds the participation;
- b) in the opinion of the competent authorities, the consolidation of the financial situation of the undertaking concerned would be inappropriate or misleading as far as the objectives of the supervision of banks or investment firms are concerned.

4) The FMA may demand the information referred to in article 41k from the subsidiaries of a bank or investment firm of financial holding company that are not included in supervision on a consolidated basis.

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<sup>1</sup> Article 41d amended by LGBl. 2007 No. 261.

The procedures set out in article 41k for transmission and verification of the information shall apply.

### 3. Special tasks and emergency situations<sup>1</sup>

Article 41e<sup>2</sup>

#### *Special tasks*

1) Where the FMA is responsible for supervision on a consolidated basis of EEA parent banks or EEA parent investment firms or of banks or investment firms controlled by EEA parent financial holding companies, it shall carry out the following tasks:

- a) coordination of the gathering and dissemination of relevant or essential information in going concern and emergency situations; and
- b) planning and coordination of supervisory activities in going concern as well as in emergency situations, including verification of regulations, strategies, procedures and mechanisms that the banks or investment firms have created, and evaluation of their current and any future risks. For this purpose, the FMA shall work together with the other competent authorities.

2) Where the FMA, as the authority responsible for supervision on a consolidated basis, is requested by an EEA parent bank or EEA parent investment firm or jointly by the subsidiaries of an EEA financial holding company for permission to use an Internal Ratings Based Approach (IRB Approach) or an institution-specific approach (AMA), the FMA shall decide in full consultation with the competent authorities of other EEA Member States whether or not to grant the permission sought and what terms and conditions, if any, such permission should be subject to.

3) The FMA shall do everything within its power to reach a decision on the application within six months. This decision shall be set out in a document containing the fully reasoned decision which shall be sent to the applicant by the FMA.

4) The period referred to in paragraph 3 shall begin on the date of receipt of the complete application by the FMA. The FMA shall forward the complete application to the other competent authorities without delay.

<sup>1</sup> Title preceding article 41e inserted by LGBl. 2007 No. 261.

<sup>2</sup> Article 41e amended by LGBl. 2007 No. 261.

5) In the absence of a decision within six months, the FMA shall make its own decision on the application. The decision shall be set out in a document containing the fully reasoned decision and shall take into account the views and reservations of the other competent authorities expressed during the six months period. The decision shall be provided to the applicant and the other competent authorities by the FMA.

6) Decisions referred to in paragraphs 3 and 5 taken by competent authorities of other EEA Member States shall be applied in Liechtenstein as a matter of principle.

7) The requirements referred to in paragraphs 2 to 6 shall also apply to the recognition of the market risk model approach.

#### Article 41f<sup>1</sup>

##### *Emergency situations*

Where an emergency situation arises within a banking or investment firm group which potentially jeopardises the stability of the financial system in any of the EEA countries where entities of the group have been authorised, the FMA shall, provided that it is responsible for supervision on a consolidated basis under article 41b, 41c, or 41e, paragraph 1, notify as soon as practicable the central banks, the Swiss National Bank, and other bodies with a similar function in their capacity as monetary authorities. Where possible, the FMA shall use existing defined channels of communication.

#### **4. Coordination and cooperation rules<sup>2</sup>**

#### Article 41g<sup>3</sup>

##### *Arrangements*

1) In order to facilitate and establish effective supervision, the FMA and the other competent authorities of the EEA Member States responsible for supervision on a consolidated basis shall have written coordination and cooperation arrangements in place.

2) Under these arrangements, additional tasks may be entrusted to the competent authority responsible for supervision on a consolidated

<sup>1</sup> Article 41f amended by LGBl. 2007 No. 261.

<sup>2</sup> Title preceding article 41g inserted by LGBl. 2007 No. 261.

<sup>3</sup> Article 41g inserted by LGBl. 2007 No. 261.

basis, and procedures for the decision-making process and for cooperation with other competent authorities may be specified.

3) Where the FMA is responsible for authorising a subsidiary of a parent undertaking which is a bank or investment firm, it may, by bilateral agreement, delegate its responsibility for supervision to the competent authorities which authorised and supervise the parent undertaking so that they may assume responsibility for supervising the subsidiary. The Standing Committee of the EFTA States and the EFTA Surveillance Authority shall be informed of the existence and the content of such agreements.

#### Article 41h<sup>1</sup>

##### *Cooperation*

1) The FMA shall cooperate closely with the other competent authorities. In this regard, the FMA shall communicate on request all relevant information and shall communicate on its own initiative all essential information.

2) Information referred to in paragraph 1 shall be regarded as essential if it could materially influence the assessment of the financial soundness of a bank, investment firm, or financial institution in another EEA Member State.

3) In particular, the FMA shall, provided it is responsible for consolidated supervision of EEA parent banks or EEA parent investment firms or of banks or investment firms controlled by EEA parent financial holding companies, provide the competent authorities in other EEA Member States who supervise subsidiaries of these parents with all relevant information. In determining the extent of relevant information, the importance of these subsidiaries within the financial system in those EEA Member States shall be taken into account.

4) The essential information referred to in paragraph 1 shall include, in particular, the following items:

- a) identification of the group structure of all major banks or investment firms in a group (with all of the major banks or investment firms represented in this group), as well as of the competent authorities of the banks and investment firms in the group;

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<sup>1</sup> Article 41h inserted by LGBL 2007 No. 261.

- b) procedures for the collection of information from the banks or investment firms in a group, and the verification of that information;
- c) adverse developments in banks or investment firms or in other entities of a group, which could seriously affect the banks or investment firms; and
- d) major sanctions and exceptional measures taken by the FMA in accordance with this Act, including the imposition of an additional own funds requirement under article 35, paragraph 4a and the imposition of any limitation on the use of the Advanced Measurement Approach (AMA) for the calculation of the own funds requirements.

5) Where the FMA is responsible for supervision of a bank or investment firm controlled by an EEA parent bank or an EEA parent investment firm, it shall whenever possible contact the competent authority responsible for supervision on a consolidated basis when it needs information regarding the implementation of approaches and methodologies that may be available to that competent authority.

6) The FMA shall, prior to its decision, consult the other competent authorities of EEA Member States with regard to the following items, where these decisions are of importance for the supervisory tasks of another competent authority:

- a) changes in the shareholder, organisational or management structure of credit institutions in a group, which require the approval or authorisation of competent authorities; and
- b) major sanctions or exceptional measures taken by competent authorities, including the imposition of an additional own funds requirement under article 35, paragraph 4a and the imposition of any limitation on the use of the Advanced Measurement Approaches (AMA) for the calculation of the own funds requirements.

7) For the purposes of paragraph 6(b), the competent authority responsible for supervision on a consolidated basis shall always be consulted. However, the FMA may decide not to consult in cases of urgency or where such consultation may jeopardise the effectiveness of the decision. In this case, the FMA shall, without delay, inform the other competent authorities.



## 5. Management of financial holding companies<sup>1</sup>

### Article 41i<sup>2</sup>

#### *Qualifications*

Persons who effectively direct the business of a financial holding company must be of sufficiently good repute and have sufficient experience to perform these duties.

## 6. Mixed-activity holding companies<sup>3</sup>

### Article 41k<sup>4</sup>

#### *General control of mixed-activity holding companies*

1) Where the parent undertaking of one or more banks or investment firms is a mixed-activity holding company, the FMA may, provided that it authorised those banks or investment firms or is responsible for their supervision, by approaching the mixed-activity holding company and its subsidiaries either directly or via bank or investment firm subsidiaries, require them to supply any information which would be relevant for the purpose of supervising the bank or investment firm subsidiaries.

2) The FMA may carry out, or have carried out by external inspectors, on-the-spot inspections to verify information received from mixed-activity holding companies and their subsidiaries. If the mixed-activity holding company or one of its subsidiaries is an insurance undertaking, the procedure laid down in article 41n may also be used. If a mixed-activity holding company or one of its subsidiaries is situated in an EEA Member State other than that in which the bank or investment firm subsidiary is situated, on-the-spot verification of information shall be carried out in accordance with the procedure laid down in article 41o.

### Article 41l<sup>5</sup>

#### *Monitoring of transactions of mixed-activity holding companies*

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<sup>1</sup> Title preceding article 41i inserted by LGBI. 2007 No. 261.

<sup>2</sup> Article 41i inserted by LGBI. 2007 No. 261.

<sup>3</sup> Title preceding article 41k inserted by LGBI. 2007 No. 261.

<sup>4</sup> Article 41k inserted by LGBI. 2007 No. 261.

<sup>5</sup> Article 41l inserted by LGBI. 2007 No. 261.

The FMA shall require banks and investment firms to have in place adequate risk management processes and internal control mechanisms, including sound reporting and accounting procedures, in order to identify, measure, monitor and control transactions with their parent mixed-activity holding company and its subsidiaries appropriately. The FMA shall require the reporting by the banks and investment firms of any significant transaction with these entities in addition to the notification of cluster risks. These procedures and significant transactions shall be subject to overview by the FMA. Where these intra-group transactions are a threat to the financial situation of a bank or investment firm, the FMA shall take appropriate measures.

## 7. Exchange of information<sup>1</sup>

### Article 41m<sup>2</sup>

#### *Principles*

1) The FMA shall transmit to the competent authorities of other EEA Member States any information likely to simplify their task and to allow supervision of the activity and overall financial situation of the undertakings they supervise, provided that:

- a) doing so does not violate the sovereignty, security, public order, or other substantial national interests of Liechtenstein;
- b) the recipients and the persons employed with and instructed by the competent authorities are subject to an obligation of secrecy equivalent to that of article 31a;
- c) it is guaranteed that the information given will only be used for the purpose of financial market supervision, in particular the supervision of banks, investment firms, or regulated markets; and

2) The exchange of information relevant for supervision on a consolidated basis between the group companies subject to consolidated supervision shall be permissible.

### Article 41n<sup>3</sup>

#### *Special cases*

<sup>1</sup> Title preceding article 41m inserted by LGBl. 2007 No. 261.

<sup>2</sup> Article 41m inserted by LGBl. 2007 No. 261.

<sup>3</sup> Article 41n inserted by LGBl. 2007 No. 261.

1) Where a parent undertaking and any of its subsidiaries that are banks or investment firms are situated in different EEA Member States, the FMA shall communicate to the competent authorities of every EEA Member State all relevant information which may allow or aid the exercise of supervision on a consolidated basis.

2) Where the FMA, as the competent authority for a parent undertaking situated in Liechtenstein, does not itself exercise supervision on a consolidated basis, it may be invited by the competent authority of the EEA Member State responsible for supervision on a consolidated basis to ask the parent undertaking for any information which would be relevant for the purposes of supervision on a consolidated basis and to transmit it to that authority.

3) In the case of financial holding companies, financial institutions, or ancillary services undertakings, the collection or possession of information alone shall not imply that the FMA is required to play a supervisory role in relation to those institutions or undertakings standing alone.

4) The FMA may exchange the information referred to in article 41k on the understanding that the collection or possession of information does not imply that the FMA plays a supervisory role in relation to the mixed-activity holding company and those of its subsidiaries which are not banks or investment firms, or to subsidiaries of the kind covered in article 41d, paragraph 4.

5) Where a bank, investment firm, financial holding company, or mixed-activity holding company controls one or more subsidiaries which are insurance companies or other undertakings providing investment services which are subject to authorisation, the FMA and the authorities entrusted with the public task of supervising insurance undertakings or those other undertakings providing investment services shall cooperate closely.

6) Where in a group to which no banks belong an investment firm, a financial holding company, or a mixed-activity holding company controls one or more subsidiaries which are insurance undertakings, the FMA and the authorities entrusted with the public task of supervising insurance undertakings shall cooperate closely.

#### Article 41o<sup>1</sup>

<sup>1</sup> Article 41o inserted by LGBl. 2007 No. 261.

*Verification*

1) If the FMA is requested by another competent authority of an EEA Member State within the framework of supervision on a consolidated basis to carry out a verification with respect to a bank, an investment firm, a financial holding company, an ancillary services undertaking, a mixed-activity holding company, a subsidiary of the kind covered in article 41k, or a subsidiary of the kind covered in article 41d, paragraph 4 situated in Liechtenstein, it shall act upon that request either by carrying out the verification itself, by allowing the authority who made the request to carry it out, or by allowing a chartered accountant or expert to carry it out. The competent authority which made the request may, if it so wishes, participate in the verification when the FMA does not carry out the verification itself.

2) When the FMA wishes to verify information concerning institutions within the meaning of paragraph 1 situated in another EEA Member State, the FMA may request the competent authority of that EEA Member State to carry out a verification.

**8. Measures against financial holding companies and mixed-activity holding companies<sup>1</sup>**Article 41p<sup>2</sup>*Principle*

1) The FMA shall take measures against financial holding companies and mixed-activity holding companies or their effective managers that violate articles 41a to 41o.

2) In this regard, the FMA shall cooperate closely with other competent authorities.

**9. Relationship with third States<sup>3</sup>**Article 41q<sup>4</sup>*Principle*

<sup>1</sup> Title preceding article 41p inserted by LGBL 2007 No. 261.

<sup>2</sup> Article 41p inserted by LGBL 2007 No. 261.

<sup>3</sup> Title preceding article 41q inserted by LGBL 2007 No. 261.

<sup>4</sup> Article 41q inserted by LGBL 2007 No. 261.

1) Where a bank or investment firm, the parent undertaking of which is a bank or investment firm or a financial holding company, the registered office of which is in a third country, is not subject to consolidated supervision under articles 41c and 41d, the FMA shall verify together with the other competent authorities of the EEA Member States affected by this constellation of undertakings whether the bank or investment firm is subject to consolidated supervision by a third-country competent authority which is equivalent to that governed by the principle laid down in this Act.

2) The FMA shall carry out the verification at the request of the parent undertaking or of any of the regulated entities authorised in the European Economic Area or on its own initiative, provided that it would be responsible for consolidated supervision if paragraph 4 were to apply. The FMA shall consult the other competent authorities involved.

3) When carrying out the verification referred to in paragraph 1, the FMA shall take into account the guidance of the European Banking Committee. For this purpose, the FMA shall consult the Committee before taking a decision.

4) If no supervision or no equivalent supervision exists, the FMA shall apply the provisions of this Act *mutatis mutandis* to the bank or investment firm. The FMA may instead apply other appropriate supervisory techniques provided they achieve the objectives of supervision on a consolidated basis of banks and investment firms.

5) The supervisory techniques referred to in paragraph 4 shall, after consultation with the other competent authorities of the EEA involved, be agreed upon by the competent authority which would be responsible for consolidated supervision.

6) The FMA may, upon consultation with the other competent authorities of the EEA Member States, in particular require the establishment of a financial holding company which has its registered office in the European Economic Area, and apply the provisions on consolidated supervision to the consolidated position of that financial holding company.

7) The supervisory techniques shall be notified to the other competent authorities of the EEA Member States involved, the Standing Committee of the EFTA States, and the EFTA Surveillance Authority.

8) For purposes of supervision on a consolidated basis, articles 41m and 41o shall apply *mutatis mutandis* to cooperation with competent authorities of third States.

## IVa. Capital reduction<sup>1</sup>

### Article 41r<sup>2</sup>

#### *Repayment of capital*

1) With respect to banks and investment firms, the provisions of the Law on Persons and Companies shall apply to the reduction of share capital by repayment of shares, subject to the following provisions. These provisions shall apply *mutatis mutandis* also with respect to banks and investment firms that have not been established in the legal form of limited companies.

2) If a bank or investment firm intends to reduce its share capital without simultaneously replacing it with new, fully paid-up capital up to the previous level, the general meeting must decide on a corresponding amendment of the articles of association. This decision must be made by a majority of two thirds of the votes represented.

3) The general meeting may only decide to reduce the capital if a special audit report of the independent auditor appointed according to the Banking Act has determined that the claims of creditors are fully covered and liquidity is guaranteed despite the reduction of the share capital.

4) The decision to reduce the capital shall be published once in the official publication governing bodies and also in the form provided in the articles of associations. The creditors shall be notified that they may demand satisfaction or security if they file their claims within two months calculated from the time of the announcement.

5) The capital reduction may be executed after the expiry of two months from the day when the decision containing the invitation for creditors to file claims is announced, and after those creditors who have filed their claims within this time period have been paid off or secured.

6) The creditors whose claims were established before the decision is announced must be provided security if they report for that purpose within two months after the third announcement, to the extent that they may not demand satisfaction. The creditors shall be notified of this right in the announcement. Creditors shall not be entitled to demand security if they already have adequate security or if adequate security is not required in view of the company assets.

<sup>1</sup> Title preceding article 41r inserted by LGBl. 2007 No. 261.

<sup>2</sup> Article 41r inserted by LGBl. 2007 No. 261.

7) Payments to the shareholders may be made only pursuant to the reduction of the capital stock and only after expiry of the time limit established for the creditors and after the claims filed by creditors have been satisfied or secured. A release of the shareholders from the obligation to make deposits shall likewise not take effect before the time designated and not before the satisfaction or securing of those creditors who have filed their claims on time.

8) Any book profits resulting from the capital reduction shall be allocated to the capital reserves.

9) In no case may the capital stock of banks or investment firms be reduced to less than their respective initial capital (article 24).

## V. Reorganisation and liquidation

### A. Moratorium

#### Article 42

##### *Preconditions and application*

1) A bank that is unable to meet its liabilities on time may apply to the Court of Justice for a moratorium.

2) The bank must simultaneously submit a statement of affairs, its latest annual statement of accounts, its latest interim balance sheet, and its latest audit report to the Court of Justice.

3) Any legal acts that the bank undertakes after closing its counters or after submitting the application and prior to the appointment of the interim commissioner shall not be valid vis-à-vis its creditors. Any legal acts in connection with participation in systems pursuant to the Final Settlements Act shall be in accordance with the provisions of the Final Settlements Act, in particular article 15.<sup>1</sup>

#### Article 43

##### *Approval*

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<sup>1</sup> Article 42, paragraph 3 amended by LGBl. 2002 No. 162.

1) After having heard the FMA, the Court of Justice shall grant a moratorium for the duration of one year, unless the bank is overindebted. In justified cases, the moratorium may be extended for an additional year.<sup>1</sup>

2) The moratorium shall be publicly announced by edict.<sup>2</sup>

3) The FMA shall be notified without delay about decisions of the Court of Justice granting a moratorium with respect to a participant of a system pursuant to the Final Settlements Act.<sup>3</sup>

#### Article 44

##### *Interim commissioner*

1) The Court of Justice shall appoint an interim commissioner who shall have the same powers as the ordinary commissioners until a decision has been reached on the application or until bankruptcy proceedings are initiated.

2) The independent auditor appointed according to the Banking Act may be designated as interim commissioner.

#### Article 45

##### *Commissioner*

1) If the Court of Justice grants the moratorium, it shall appoint respectable, reliable, and knowledgeable persons as commissioners for the bank. A bank or trust company may also be appointed commissioner.

2) If several commissioners are appointed, one commissioner must be put in charge.

3) Shareholders and former shareholders who have withdrawn from the undertaking during the year prior to initiation of bankruptcy proceedings may not be appointed commissioners.

4) The commissioner shall be subject to supervision by the Court of Justice and may be dismissed by the Court of Justice on important grounds.

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<sup>1</sup> Article 43, paragraph 1 amended by LGBl. 1999 No. 87 and LGBl. 2004 No. 176.

<sup>2</sup> Article 43, paragraph 2 amended by LGBl. 2002 No. 162.

<sup>3</sup> Article 43, paragraph 3 inserted by LGBl. 2002 No. 162 and amended by LGBl. 2004 No. 176.



## Article 46

*Responsibilities of the commissioner*

Immediately after his or her appointment, the commissioner shall determine the financial situation of the bank together with the independent auditor, report on the financial situation to the Court of Justice and the bank, and take the measures necessary to maintain operations.

## Article 47

*Conduct of business*

1) During the moratorium, the bank shall continue its business operations under the supervision of the commissioner and in accordance with the commissioner's instructions.

2) The bank may not undertake any legal acts that adversely affect the legitimate interests of the creditors or that favour individual creditors to the disadvantage of others.

3) The bank shall grant the Court of Justice and the commissioner access to all books and records and shall provide all requested information.

4) The commissioner shall be invited to all negotiations of the governing bodies of the banks; the commissioner may also order such negotiations to be held.

## Article 48

*Payments to creditors*

1) Payments to creditors may only be made with the consent of the commissioner.

2) The commissioner is authorised to order payments to be made to the creditors from receipts from due claims of the bank according to the commissioner's best judgment. The interests of creditors privileged by legal transaction or law as well as the interests of small creditors shall be appropriately taken into account.

3) These payments may not exceed one half of the amounts for which cover is available in accordance with the assets as determined by the commissioner.

## Article 49

*Additional measures*

1) After having heard the FMA, the Court of Justice may take further measures called for by the circumstances and in the interest of the bank or the creditors at any time during the moratorium.<sup>1</sup>

2) In particular, the Court of Justice may order that the conclusion of new transactions, the alienation of real estate, the pledging of chattels, or the assumption of guarantees shall require the consent of the commissioner to be valid.

3) The Court of Justice shall publish such orders.

## Article 50

*Executions*

1) For the duration of the moratorium, execution may be levied against the debtor only until attachment and rating.

2) Petitions for realisation or bankruptcy may not be granted.

3) The time limits for the submission of the applications for realisation shall be extended by the duration of the moratorium. Likewise, the liability of the mortgage of the interest on the land charge (article 290, paragraph 1(3) of the Property Act) shall be extended by the duration of the moratorium.

## Article 51

*Extrajudicial reorganisation*

1) If the bank aims at an extrajudicial reorganisation or a composition agreement, the commissioner shall assess its applications addressed to the company's governing bodies, the creditors, or the Court of Justice.

2) If, during the moratorium, the bank proves to be able to effect an extrajudicial reorganisation, the Court of Justice may extend the moratorium for an additional six months on an exceptional basis.

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<sup>1</sup> Article 49, paragraph 1 amended by LGBL 1999 No. 87 and LGBL 2004 No. 176.

## Article 52

*Revocation of moratorium*

1) Upon application of the commissioner or a creditor, the Court of Justice shall revoke the moratorium if the bank:

- a) obtained the moratorium on the basis of false information;
- b) contravenes the instructions of the commissioner;
- c) adversely affects the legitimate interests of the creditors;
- d) favours individual creditors to the disadvantage of others.

2) The Court of Justice shall publish the revocation of the moratorium.

## Article 53

*Lapse of the moratorium*

1) The Court of Justice may declare the moratorium lapsed upon application of the commissioner if the moratorium is no longer necessary in the best judgment of the commissioner.

2) The Court of Justice shall publish the lapse of the moratorium.

**B. Special provisions on bankruptcy**

## Article 54

*Initiation of bankruptcy*

1) If the bank proves to be overindebted during the moratorium or if it results that after expiry of the moratorium it will not be able to meet its liabilities on time or to effect an extrajudicial reorganisation, the Court of Justice shall instruct the commissioner, after having heard the FMA, to apply for immediate initiation of bankruptcy proceedings, unless the bank initiates composition proceedings.<sup>1</sup>

2) The bankruptcy may not be postponed.

3) Any claims shown in the books of the bank shall be deemed filed.

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<sup>1</sup> Article 54, paragraph 1 amended by LGBl. 1999 No. 87 and LGBl. 2004 No. 176.

## Article 55

*Bankruptcy administrator*

1) The Court of Justice shall appoint a bankruptcy administrator. The bankruptcy administrator may be appointed from among the ordinary commissioners.

2) The bankruptcy administrator shall exercise all rights.

## Article 56

*Privilege*

1) In the event of bankruptcy of a bank, deposits not in the name of the bearer – including medium-term notes deposited in the name of the depositor at the bank – shall be deemed in the third class up to an amount of 100,000 francs.

2) Vested pension benefits in accordance with article 12, paragraph 2 of the Occupational Pensions Act shall be deemed privileged in the third class independently of other deposits of the individual client up to the maximum amount set out in paragraph 1.

## Article 56a

*Separation in the event of bankruptcy*

1) Financial instruments owned by a client and held or kept in safekeeping by the bank or investment firm in the name and for the account of a client shall, in the event of bankruptcy of the bank or investment firm, not be deemed part of the bankruptcy assets, but rather shall be separated out for the client's benefit, subject to all claims by the bank or investment firm vis-à-vis the client.

2) If the bank or investment firm undergoing bankruptcy is itself a depositor with a third party, it shall be assumed that the custody account values are held by the custody clients of the bank or investment firm; the values shall be separated out in accordance with paragraph 1.

**C. Special provisions on composition proceedings**

## Article 57

*Application; interim trustee*

1) If a bank applies for a composition moratorium, the Court of Justice shall appoint an interim trustee who shall have the same powers as the ordinary trustee until the decision on the application has been made or bankruptcy proceedings have been initiated.

2) The independent auditor appointed according to the Banking Act may be designated as interim trustee.

## Article 58

*Trustee*

If the Court of Justice grants the application for a composition moratorium, it shall appoint a definitive trustee unless a commissioner has already been appointed as trustee.

## Article 59

*Composition moratorium*

1) The composition moratorium shall last for six months. If necessary, it may be extended by a further six months.

2) Any claims shown in the books of the bank shall be deemed filed.

3) Any legal acts that the bank undertakes after closing its counters or after submitting the application and prior to the appointment of the interim trustee shall not be valid vis-à-vis their creditors.

## Article 60

*Composition agreement*

1) The creditors shall be publicly called upon to assert any objections to the draft composition agreement made available for their inspection. No creditors' meeting shall be held.

2) The composition agreement shall be approved if the amount offered is in the proper proportion to the ancillary means of the debtor, the execution of the composition agreement and the complete satisfaction of the recognised privileged creditors are secured, and, after

examination of all circumstances, it results that the interests of the body of creditors are safeguarded better by the composition agreement than by liquidation in bankruptcy.

3) The claims covered by pledges may be granted reasonable moratoria in the composition agreement.

## **Va. Cross-border insolvency proceedings<sup>1</sup>**

### **A. General provisions<sup>2</sup>**

#### Article 60a<sup>3</sup>

##### *Scope of application*

Articles 60b through 60z shall be applied to banks to which a licence has been granted in a Member State of the European Economic Area.

#### Article 60b<sup>4</sup>

##### *International competence*

The Court of Justice shall only have jurisdiction to grant a moratorium or composition moratorium and to initiate bankruptcy proceedings if the bank has been granted a licence in Liechtenstein.

#### Article 60c<sup>5</sup>

##### *Information requirement and publication abroad*

1) The Court of Justice shall inform the FMA without delay of a decision to grant a moratorium or composition moratorium or to initiate bankruptcy proceedings and the specific consequences of these measures.

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1 Title preceding article 60a inserted by LGBl. 2005 No. 13.

2 Title preceding article 60a inserted by LGBl. 2005 No. 13.

3 Article 60a inserted by LGBl. 2005 No. 13.

4 Article 60b inserted by LGBl. 2005 No. 13.

5 Article 60c inserted by LGBl. 2005 No. 13.

The FMA shall inform the competent authorities of the host Member State without delay of this decision.

2) The Court of Justice shall furthermore issue an edict without delay for publication of the moratorium, the composition moratorium, or the initiation of bankruptcy proceedings in the Official Journal of the European Union and in two cross-regional newspapers of each of the Member States of the European Economic Area in which the bank has a branch or provides cross-border services, in the official language or the official languages of the affected Member States. In particular, the publication shall include the object and legal basis of the decision, the time limits for legal remedies, and especially an easily understandable indication of the end of these time limits as well as the precise address of the court where legal remedies are to be lodged and of the court that is to decide on the legal remedies. For purposes of the publication, the relevant document shall be sent to the EFTA Secretariat in Brussels and the two cross-regional newspapers of each of the affected Member States without delay and by the most appropriate means.

3) Article 60h shall apply to the filing of claims.

#### Article 60d<sup>1</sup>

##### *Activities abroad*

1) Upon request of the trustee, the appointment certificate shall be issued to the trustee in one or more languages of the Member States of the European Economic Area.

2) The trustee may appoint persons who support the trustee's activities abroad.

## **B. Bankruptcy<sup>2</sup>**

#### Article 60e<sup>3</sup>

##### *Bankruptcy estate*

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<sup>1</sup> Article 60d inserted by LGBl. 2005 No. 13.

<sup>2</sup> Title preceding article 60e inserted by LGBl. 2005 No. 13.

<sup>3</sup> Article 60e inserted by LGBl. 2005 No. 13.

The bankruptcy proceedings shall also extend to the immoveable property of the bank located in other Member States of the European Economic Area.

#### Article 60f<sup>1</sup>

##### *Delivery of the decision on the composition moratorium and additional information provided to the creditors*

1) A copy of the bankruptcy edict shall be sent to the creditors whose habitual abode, residence, or domicile is in another EEA Member State, even if the conditions in article 1, paragraph 5 of the Bankruptcy Code are met. The edict shall be accompanied by instructions under the heading "Call for filing of a claim. Please observe deadlines!" translated into all official languages of the EEA, indicating the court at which the claim must be filed and whether the preferred creditors or secured creditors must file their claims.

2) The bankruptcy administrators shall also regularly inform the creditors, especially about the progress of realisation.

#### Article 60g<sup>2</sup>

##### *Payments after initiation of bankruptcy*

1) A person making payments to a bank that is not a legal person and against whose assets bankruptcy proceedings have been initiated in another EEA Member State shall be released from the person's obligations if the person did not know of the initiation of bankruptcy proceedings.

2) If the payment is made prior to publication under article 60c, it shall be assumed until proven otherwise that the payor did not know of the initiation of bankruptcy proceedings. If the payment is made after such publication, it shall be assumed until proven otherwise that the payor knew of the initiation of bankruptcy proceedings.

#### Article 60h<sup>1</sup>

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<sup>1</sup> Article 60f inserted by LGBl. 2005 No. 13.

<sup>2</sup> Article 60g inserted by LGBl. 2005 No. 13.



*Assertion of claims*

1) Every creditor whose residence, habitual abode, or domicile is in another EEA Member State shall indicate in the filing the type, time of recognition, and the amount of the claim, and furthermore whether the creditor can assert priority, collateral security, or retention of title and which assets are the object of a security. The creditor shall include a copy of any receipts with the filing.

2) Every creditor whose residence, habitual abode, or domicile is in another EEA Member State may file the claim in the official language of this State. In this event, the filing must be made under the heading "*Anmeldung einer Forderung*" (Filing of a Claim) in German. The court may, however, demand that the creditor provide a translation of the filing.

**C. Recognition of foreign proceedings<sup>2</sup>**Article 60i<sup>3</sup>*Principle*

The decision of a EEA Member State on reorganisation measures and the initiation of proceedings for the liquidation of a bank shall be recognised in Liechtenstein irrespective of the conditions contained in article 5, paragraph 2 of the Bankruptcy Code. The decision shall be effective in Liechtenstein as soon as the decision becomes effective in the State in which the proceedings are initiated. This shall also apply when such a reorganisation measure is not envisaged in Liechtenstein.

Article 60k<sup>4</sup>*Powers of foreign administrators and liquidators*

1) Foreign administrators and liquidators may, without any additional formalities, exercise all powers in Liechtenstein that they have been accorded in the territory of the home Member State. The application of

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1 Article 60h inserted by LGBl. 2005 No. 13.

2 Title preceding article 60i inserted by LGBl. 2005 No. 13.

3 Article 60i inserted by LGBl. 2005 No. 13.

4 Article 60k inserted by LGBl. 2005 No. 13.

coercive measures or the right to adjudicate legal disputes or other conflicts shall be excluded.

2) When exercising their powers in Liechtenstein, the administrators and liquidators shall observe Liechtenstein law, in particular with respect to the way in which assets are realised and employees are informed.

3) The administrators and liquidators and the persons that represent them or otherwise support their work shall be subject to Liechtenstein banking secrecy (article 14) and the associated penal provisions. Information falling within the scope of banking secrecy need only be made accessible to the administrators and liquidators if:

- a) the information is connected to the reorganisation measure or liquidation proceedings and is actually necessary for the realisation thereof; and
- b) the administrator or liquidator, any representative of the administrator or liquidator, and the administrative or judicial authorities responsible for their supervision in the home State shall be subject to a confidentiality requirement equivalent to Liechtenstein banking secrecy (article 14).

4) The information obtained pursuant to paragraph 3 may only be used for execution of the reorganisation measure or the liquidation proceedings.

5) The administrator and the liquidator shall provide evidence of their appointment by means of a certified copy of the decision by which they were appointed or by means of another certification issued by the administrative or judicial authority of the home Member State. A translation into German may be demanded.

#### Article 60l<sup>1</sup>

##### *Comments*

1) Upon application of the administrator or liquidator or upon request of any administrative or judicial authority of the home Member State, the Court of Justice shall arrange for comments pursuant to article 12 of the Bankruptcy Code.

2) If the bank has a branch or assets in Liechtenstein, then the administrator or the otherwise competent authority must submit an application in accordance with paragraph 1.

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<sup>1</sup> Article 60l inserted by LGBl. 2005 No. 13.

## D. Branches<sup>1</sup>

### Article 60m<sup>2</sup>

#### *Information requirement*

If the FMA believes that the execution of one or several reorganisation measures are necessary for banks operating in Liechtenstein by way of a branch, then it shall notify this to the competent authorities of the home Member State.

### Article 60n

#### *Banks whose registered office is outside the European Economic Area<sup>3</sup>*

1) If a bank whose registered office is outside the European Economic Area has branches in at least two EEA Member States, then the Court of Justice must also inform the FMA without delay of the decision to grant a moratorium or composition moratorium or to initiate bankruptcy proceedings and the specific consequences of such decision. The FMA shall without delay communicate such decision and the withdrawal of the licence to the competent authorities of the other host Member States in which the bank has established branches and which are included in the list published annually in the Official Journal of the European Union pursuant to article 14 of Directive 2006/48/EC.<sup>4</sup>

2) Where possible, the competent administrative and judicial authorities and liquidators shall coordinate their actions.<sup>5</sup>

## E. Applicable law<sup>6</sup>

### Article 60o<sup>7</sup>

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<sup>1</sup> Title preceding article 60m inserted by LGBl. 2005 No. 13.

<sup>2</sup> Article 60m inserted by LGBl. 2005 No. 13.

<sup>3</sup> Article 60n heading inserted by LGBl. 2005 No. 13.

<sup>4</sup> Article 60n, paragraph 1 amended by LGBl. 2007 No. 261.

<sup>5</sup> Article 60n, paragraph 2 inserted by LGBl. 2005 No. 13.

<sup>6</sup> Title preceding article 60o inserted by LGBl. 2005 No. 13.

<sup>7</sup> Article 60o inserted by LGBl. 2005 No. 13.

*Principle*

1) Unless otherwise provided in articles 60p through 60z, the law of the State in which the proceedings are initiated shall apply to the moratorium, the composition moratorium, and the bankruptcy proceedings.

2) In particular, the following shall be subject to the law of the State in which proceedings are initiated:

- a) which assets belong to the estate and how the assets obtained by the bank after initiation of the proceedings shall be treated;
- b) the respective powers of the bank and the administrator or the liquidator;
- c) the preconditions for admissibility of an offset;
- d) how the initiation of proceedings affects ongoing contracts;
- e) how the initiation of proceedings affects the legal actions of individual creditors, with the exception of the effects on pending proceedings pursuant to article 60z;
- f) which claims must be filed and how claims are to be dealt with that arise after the proceedings have been initiated;
- g) the filing, review, and determination of claims;
- h) the distribution of the proceeds from the realisation of the assets, the ranking of the claims, and the rights of the creditors that have been partially satisfied after initiation of the proceedings on the basis of collateral security or as the consequence of an offset;
- i) the preconditions and consequences of termination of the proceedings, especially pursuant to a composition moratorium;
- k) the rights of the creditors after termination of the proceedings;
- l) who must bear the costs of the proceedings, including expenses;
- m) which legal acts are invalid, contestable, or ineffective as between the parties because they disadvantage the body of creditors.

Article 60p<sup>1</sup>*Effects on certain contracts and rights*

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<sup>1</sup> Article 60p inserted by LGBI. 2005 No. 13.

With respect to the effects of a moratorium, composition moratorium, and bankruptcy:

- a) the law of the State applicable to labour contracts shall be applied exclusively to a labour contract and an employment relationship;
- b) the law of the State in which the immoveable object in question is located shall apply exclusively with respect to a contract granting entitlement to use or purchase an immoveable object;
- c) the law of the State responsible for supervision of the register in question shall apply exclusively to the rights of the bank with respect to an immoveable object, a ship, or an aircraft subject to entry in a public register.

Article 60q<sup>1</sup>

*In rem rights of third parties*

1) The *in rem* right of a creditor or a third party with respect to physical or non-physical, moveable or immoveable objects of the bank – both with respect to specified objects and with respect to a majority of non-specified objects with a changing composition – that are located in the territory of another EEA Member State at the time the proceedings are initiated shall not be affected by the initiation of the proceedings.

2) Rights within the meaning of paragraph 1 shall include in particular:

- a) the right to utilise the object or arrange for the utilisation of the object and to obtain satisfaction from the proceeds or the utilisation of this object, especially pursuant to a lien or mortgage;
- b) the exclusive right to collect a claim, especially pursuant to a lien on a claim or pursuant to assignment of the claim for security;
- c) the right to demand the surrender of the object from someone holding or using the object against the will of the rights-holder;
- d) the *in rem* right to collect the fruits of an object.

3) A right entered into a public register and effective against everyone to obtain an *in rem* right within the meaning of paragraph 1 shall be equivalent to an *in rem* right.

4) Paragraph 1 shall not stand in the way of the invalidity or contestability of a legal act or the ineffectiveness of a legal act as between the parties pursuant to article 60o paragraph 2(m).

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<sup>1</sup> Article 60q inserted by LGBI. 2005 No. 13.

Article 60r<sup>1</sup>*Reservation of ownership*

1) The initiation of proceedings concerning the assets of the purchaser of an object shall not affect the rights of the purchaser arising from a reservation of ownership, if, at the time the proceedings are initiated, this object is located in the territory of a different Member State of the European Economic Area than where the proceedings are initiated.

2) The initiation of proceedings concerning the assets of the seller of an object after delivery of the object shall not justify the dissolution or termination of the purchase contract and shall not stand in the way of the purchase of ownership by the purchaser, if this object is located in the territory of a different Member State of the European Economic Area than where the proceedings are opened.

3) Paragraphs 1 and 2 shall not stand in the way of the invalidity or contestability of a legal act or the ineffectiveness of a legal act as between the parties pursuant to article 60o, paragraph 2(m).

Article 60s<sup>2</sup>*Offset*

1) The capacity of a creditor to offset a claim by the bank with the creditor's claim shall not be affected by the initiation of proceedings, if this offset is permissible according to the law applicable to the claim of the bank.

2) Paragraph 1 shall not stand in the way of the invalidity or contestability of a legal act or the ineffectiveness of a legal act as between the parties pursuant to article 60o, paragraph 2(m).

Article 60t<sup>3</sup>*Lex rei sitae*

For the exercise of property rights or other rights relating to instruments whose existence or transfer requires their entry into a register or account kept in a EEA Member State or at a central

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<sup>1</sup> Article 60r inserted by LGBl. 2005 No. 13.

<sup>2</sup> Article 60s inserted by LGBl. 2005 No. 13.

<sup>3</sup> Article 60t amended by LGBl. 2007 No. 261.

depository, the law of the State shall apply in which the register, account, or central depository is situated in which the rights in question have been entered.

Article 60u<sup>1</sup>

*Offset and debt conversion agreements*

The law applicable to offset and debt conversion agreements shall apply to such agreements exclusively.

Article 60v<sup>2</sup>

*Pension transactions*

Without prejudice to article 60t, the law applicable to pension transaction agreements shall apply to such agreements exclusively.

Article 60w

*Regulated markets*<sup>3</sup>

1) Without prejudice to article 60t, the law of the State applicable to transactions on a regulated market shall apply to such transactions exclusively.<sup>4</sup>

2) Paragraph 1 shall not stand in the way of the invalidity or contestability of a legal act or the ineffectiveness of a legal act as between the parties pursuant to article 60o, paragraph 2(m).<sup>5</sup>

Article 60x<sup>6</sup>

*Contesting*

Article 60o shall not apply if the person who benefited from a legal act disadvantaging the body of creditors demonstrates that

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<sup>1</sup> Article 60u inserted by LGBl. 2005 No. 13.

<sup>2</sup> Article 60v inserted by LGBl. 2005 No. 13.

<sup>3</sup> Article 60w heading inserted by LGBl. 2005 No. 13.

<sup>4</sup> Article 60w, paragraph 1 amended by LGBl. 2007 No. 261.

<sup>5</sup> Article 60w, paragraph 2 inserted by LGBl. 2005 No. 13.

<sup>6</sup> Article 60x inserted by LGBl. 2005 No. 13.

- a) the law of a different State applies to this act and
- b) in this case, the act can in no way be contested according to this law.

#### Article 60y

##### *Protection of third-party purchasers<sup>1</sup>*

If, pursuant to a legal act undertaken after the initiation of proceedings and in return for compensation, the bank has at its disposal:<sup>2</sup>

- a) an immovable object;<sup>3</sup>
- b) a ship or aircraft subject to entry into a public register;<sup>4</sup>
- c) financial instruments;<sup>5</sup>

then the effectiveness of this legal act shall be subject to the law of the State in which this immovable object is located or to the supervision of which the register, account, or depository is subject.<sup>6</sup>

#### Article 60z<sup>7</sup>

##### *Pending legal disputes*

The law of the State in which the legal dispute in question is pending shall apply exclusively to the effects of the proceedings on a legal dispute concerning an object or a right pertaining to the estate.

## **VI. Procedures, legal remedies, and extrajudicial settlement of disputes<sup>8</sup>**

#### Article 61

##### *Decisions and orders*

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<sup>1</sup> Article 60y heading inserted by LGBl. 2005 No. 13.

<sup>2</sup> Article 60y, introductory phrase inserted by LGBl. 2005 No. 13.

<sup>3</sup> Article 60y(a) inserted by LGBl. 2005 No. 13.

<sup>4</sup> Article 60y(b) inserted by LGBl. 2005 No. 13.

<sup>5</sup> Article 60y(c) inserted by LGBl. 2007 No. 261.

<sup>6</sup> Article 60y, final phrase inserted by LGBl. 2005 No. 13.

<sup>7</sup> Article 60z inserted by LGBl. 2005 No. 13.

<sup>8</sup> Title preceding article 61 amended by LGBl. 2007 No. 261.



If violations of provisions of this Act or of the ordinances issued in connection herewith are found, and if the situation is not remedied despite warnings and the imposition of deadlines, the competent authority shall issue the appropriate decisions and decrees.

#### Article 62

##### *Legal remedies*

1) Decisions and orders of the FMA may be appealed within 14 days of service to the FMA Complaints Commission.

1a) If no decision is made within six months of receipt of an application for a licence as a bank or investment company, even though the application contains all necessary information, a complaint may be lodged with the FMA Complaints Commission.

2) Decisions and decrees of the FMA Complaints Commission may be appealed within 14 days of service to the Administrative Court.

3) In the interest and/or on the initiative of the clients, the Office of Commerce and Transport shall have all legal remedies at its disposal to ensure that the provisions on the rendering of investment services are applied.

#### Article 62a<sup>1</sup>

##### *Extrajudicial arbitration board*

1) To settle disputes between clients and banks, financial institutions, or investment firms concerning investment services rendered, the Government shall issue an ordinance appointing an arbitration board.

2) The responsibility of the arbitration board shall be to mediate disputes between the parties in a suitable manner and in this way to bring about agreement between the parties.

3) If no agreement between the parties can be reached, the parties shall be referred to the ordinary legal process.

4) The Government shall specify further details by ordinance, in particular the organisational structure, composition, and procedure.

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<sup>1</sup> Article 62a inserted by LGBL 2007 No. 261.

## VII. Penal provisions

### Article 63

#### *Misdemeanors and infractions*

1) The Court of Justice shall punish with imprisonment of up to one year or with a fine of up to 360 daily rates for committing a misdemeanor anyone who:<sup>1</sup>

- a) as a member of a governing body of, an employee of, or any other person acting on behalf of a bank or investment firm, or as an auditor or member of the FMA Complaints Commission or employee or mandatory of the FMA violates secrecy obligations or who induces or attempts to induce such a violation;<sup>2</sup>
- b) performs an activity within the meaning of article 3 without a license;<sup>3</sup>
- c) operates a representative office within the meaning of article 30a without a license;<sup>4</sup>
- d) operates a branch within the meaning of article 30o without a license;<sup>5</sup>
- e) operates a branch of a bank, financial institution, or investment firm before the preconditions set out in article 30d are met;<sup>6</sup>
- f) repealed<sup>7</sup>
- g) fails to meet the requirements on deposit guarantee or investor protection.<sup>8</sup>

The punishments may be combined.<sup>9</sup>

2) The Court of Justice shall punish with imprisonment of up to six months or with a fine of up to 180 daily rates for committing a misdemeanor anyone who:<sup>10</sup>

- a) violates conditions imposed in connection with a license;<sup>11</sup>

<sup>1</sup> Article 63, paragraph 1, introductory phrase amended by LGBl. 2007 No. 261.

<sup>2</sup> Article 63, paragraph 1(a) amended by LGBl. 2007 No. 261.

<sup>3</sup> Article 63, paragraph 1(b) amended by LGBl. 1998 No. 223.

<sup>4</sup> Article 63, paragraph 1(c) amended by LGBl. 1998 No. 223.

<sup>5</sup> Article 63, paragraph 1(d) amended by LGBl. 1998 No. 223.

<sup>6</sup> Article 63, paragraph 1(e) amended by LGBl. 2007 No. 261.

<sup>7</sup> Article 63, paragraph 1(f) repealed by LGBl. 2007 No. 261.

<sup>8</sup> Article 63, paragraph 1(g) amended by LGBl. 1998 No. 223.

<sup>9</sup> Article 63, paragraph 1, last sentence amended by LGBl. 1998 No. 223.

<sup>10</sup> Article 63, paragraph 2, introductory phrase amended by LGBl. 2007 No. 261.

<sup>11</sup> Article 63, paragraph 2(a) amended by LGBl. 1998 No. 223.

- b) violates the prohibition on using designations that suggest it is acting as a bank or investment firm;<sup>1</sup>
- c) fails to make the prescribed allocations to legal reserves;<sup>2</sup>
- d) repledges or carries over pledges contrary to the provisions of article 12;
- e) gives false information to the FMA or the independent auditor;<sup>3</sup>
- f) does not keep account books properly or does not retain account books and receipts;
- g) as an auditor, grossly violates his or her responsibilities, in particular by making untrue statements in the audit report or withholding material facts, by failing to make prescribed requests to the bank or investment firm, or by failing to submit prescribed reports and notifications;<sup>4</sup>
- h) engages in activities by virtue of the free movement of services before the preconditions set out in article 30e have been met;<sup>5</sup>
- i) outsources data processing to foreign countries without observing the conditions set out in article 14a;<sup>6</sup>
- k) makes false statements or conceals material facts in the periodic reports or notifications;<sup>7</sup>
- l) does not have sufficient own funds as set out in article 4.<sup>8</sup>

3) The FMA shall punish with a fine of up to 100,000 Swiss francs for committing an infraction anyone who:<sup>9</sup>

- a) fails to compile or publish the annual report, the consolidated annual report, the interim financial statements, or the consolidated interim financial statements as required;<sup>10</sup>
- b) fails to have the ordinary audit or an audit prescribed by the FMA carried out;<sup>11</sup>
- c) fails to fulfill his or her responsibilities vis-à-vis the independent auditor;

<sup>1</sup> Article 63, paragraph 2(b) amended by LGBL 2007 No. 261.

<sup>2</sup> Article 63, paragraph 2(c) amended by LGBL 1998 No. 223.

<sup>3</sup> Article 63, paragraph 2(e) amended by LGBL 1999 No. 87 and LGBL 2004 No. 176.

<sup>4</sup> Article 63, paragraph 2(g) amended by LGBL 2007 No. 261.

<sup>5</sup> Article 63, paragraph 2(h) amended by LGBL 2007 No. 261.

<sup>6</sup> Article 63, paragraph 2(i) amended by LGBL 2007 No. 261.

<sup>7</sup> Article 63, paragraph 2(k) inserted by LGBL 2007 No. 261.

<sup>8</sup> Article 63, paragraph 2(l) inserted by LGBL 2007 No. 261.

<sup>9</sup> Article 63, paragraph 3, introductory phrase amended by LGBL 2007 No. 261.

<sup>10</sup> Article 63, paragraph 3(a) amended by LGBL 1998 No. 223.

<sup>11</sup> Article 63, paragraph 3(b) amended by LGBL 1999 No. 87 and LGBL 2004 No. 176.

- d) fails to submit the prescribed notifications to the FMA in a proper and timely manner;<sup>1</sup>
- e) fails to comply with a demand to bring about a lawful state of affairs or with any other order by the FMA;<sup>2</sup>
- f) engages in misleading or obtrusive publicity, especially using his or her Liechtenstein domicile or Liechtenstein institutions;
- g) fails to comply with the rules of conduct (article 8a to 8h) and the professional guidelines declared binding by the FMA;<sup>3</sup>
- h) fails to take or maintain effective organizational and administrative measures to prevent negative influencing of clients' interests by conflicts of interest;<sup>4</sup>
- i) violates his or her obligations in the appointment of tied agents;<sup>5</sup>
- k) violates his or her obligations as a tied agent;<sup>6</sup>
- l) fails to comply with a final decree by the FMA;<sup>7</sup>
- m) fails to comply with the provisions on risk management (article 7a);<sup>8</sup>
- n) as an auditor, violates his or her obligations under this Act, in particular articles 37 to 40.<sup>9</sup>

4) If the offenses are committed negligently, the maximum penalties shall be reduced by half.

5) Except where otherwise stipulated herein, the general part of the Criminal Code shall apply *mutatis mutandis*.<sup>10</sup>

6) The FMA may publicize the imposition of final punishments and fines, if this gives effect to the purpose of this Act and is proportionate.<sup>11</sup>

7) Sentences under this article shall not be binding on civil judges with respect to the assessment of fault and illegality or determination of damages.<sup>12</sup>

<sup>1</sup> Article 63, paragraph 3(d) amended by LGBl. 2007 No. 261.

<sup>2</sup> Article 63, paragraph 3(e) amended by LGBl. 1999 No. 87 and LGBl. 2004 No. 176.

<sup>3</sup> Article 63, paragraph 3(g) inserted by LGBl. 2007 No. 261.

<sup>4</sup> Article 63, paragraph 3(h) inserted by LGBl. 2007 No. 261.

<sup>5</sup> Article 63, paragraph 3(i) inserted by LGBl. 2007 No. 261.

<sup>6</sup> Article 63, paragraph 3(k) amended by LGBl. 2011 No. 8.

<sup>7</sup> Article 63, paragraph 3(l) amended by LGBl. 2012 No. 230.

<sup>8</sup> Article 63, paragraph 3(m) amended by LGBl. 2011 No. 243.

<sup>9</sup> Article 63, paragraph 3(n) inserted by LGBl. 2012 No. 230.

<sup>10</sup> Article 63, paragraph 5 amended by LGBl. 2007 No. 261.

<sup>11</sup> Article 63, paragraph 6 amended by LGBl. 2007 No. 261.

<sup>12</sup> Article 63, paragraph 7 inserted by LGBl. 2007 No. 261.

## Article 64

*Responsibility*

If the violations are committed in the business operations of a legal person, a general partnership, a limited partnership, or a sole proprietorship, then the penal provisions shall apply to the persons that acted or should have acted on their behalf, but with joint and several liability of the legal person, the company, or the sole proprietorship for the fines and costs.

Article 65<sup>1</sup>*Information requirement of the Office of the Public Prosecutor*

Repealed

**VIII. Transitional provision**

## Article 66

*Concessions*

Concessions to operate a bank or financial institution which do not meet the requirements of this Act or the ordinances issued in connection herewith shall be adjusted to the new law within one year after the relevant enactments have entered into force or, if necessary, they shall be withdrawn or revoked.

**IX. Final provisions**Article 67<sup>2</sup>*Implementing ordinances*

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<sup>1</sup> Article 65 repealed by LGBl. 2004 No. 176.

<sup>2</sup> Article 67 amended by LGBl. 2007 No. 261.

The Government shall issue the ordinances necessary to implement this Act.

Article 68

*Repeal of existing law*

The following enactments are hereby repealed:

- a) the Law of 21 December 1960 on Banks and Savings Banks, Liechtenstein Law Gazette LGBL 1961 No. 3;
- b) the Law of 18 November 1964 amending the Law on Banks and Savings Banks, LGBL 1965 No. 3;
- c) the Law of 10 July 1975 amending the Law on Banks and Savings Banks, LGBL 1975 No. 41.

Article 69

*Entry into force*

This Act shall enter into force on 1 January 1993.

signed *Hans-Adam*

signed *Hans Brunhart*  
Prime Minister

**Annex 1<sup>1</sup>**

(Article 3a, paragraph 1(28)-(30))

**Client classifications****1. Eligible counterparties**

1) The following shall be considered eligible counterparties per se and with respect to all investment services and ancillary services:

- a) clients referred to in item 2, paragraph 1(a) to (c);
- b) undertakings which provide investment services and/or perform investment activities consisting exclusively in dealing on own account on markets in financial futures or options or other derivatives and on cash markets for the sole purpose of hedging positions on derivatives markets or which deal for the accounts of other members of those markets or make prices for them and which are guaranteed by clearing members of the same markets, where responsibility for ensuring the performance of contracts entered into by such firms is assumed by clearing members of the same markets;

2) Undertakings referred to in item 2, paragraph 2 which meet two of the three conditions set out in item 2, paragraph 1(b) may request to be considered eligible counterparties. They shall only be deemed eligible counterparties with respect to the investment services and ancillary services for which they can also be treated as professional clients.

**2. Professional clients**

1) The following shall be considered professional clients per se and with respect to all investment services, ancillary services, and financial instruments:

- a) entities which are authorised or which are required to be regulated to operate in the financial markets, namely:
  - aa) banks and financial institutions;

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<sup>1</sup> Annex 1 inserted by LGBl. 2007 No. 261.

- bb) investment firms and asset management companies;
  - cc) other institutions of the financial sector, notably tied agents dealing on own account;
  - dd) insurance undertakings;
  - ee) investment undertakings and their management companies;
  - ff) pension funds and their management companies;
  - gg) commodity and commodity derivatives dealers; or
  - hh) other institutional investors;
  - b) large undertakings meeting two of the following size requirements on a company basis:
    - aa) balance sheet total: equivalent of EUR 20,000,000;
    - bb) net turnover: equivalent of EUR 40,000,000;
    - cc) own funds: equivalent of EUR 2,000,000;
  - c) governments, municipalities, public bodies that manage public debts, central banks, international and supranational institutions such as the World Bank, the IMF, the ECB, the EIB, and other similar international organisations;
  - d) other institutional investors whose main activity is to invest in financial instruments, including entities dedicated to the securitisation of assets or other financing transactions.
- 2) Persons who have requested to be classified and treated as professional clients in accordance with the ordinances issued to implement this Act shall only be considered professional clients with respect to the investment services, ancillary services, and financial instruments specified in the request.

### 3. Non-professional clients

All clients who are not eligible counterparties or professional clients shall be considered non-professional clients.



**Annex 2<sup>1</sup>**

(Article 3, paragraphs 3 and 4, article 3a, paragraph 1(32))

**Investment services, ancillary services, and  
financial instruments****Section A****Investment services**

1) Investment services are the following activities in relation to one or more financial instruments referred to in Section C:

1. reception and transmission of orders;
2. execution of orders;
3. dealing on own account: dealing with financial instruments on own account, provided and to the extent that the transactions are executed by banks and investment firms or as market making or if dealing occurs outside a regulated market or multilateral trading facility on an organised, frequent, and systematic basis, by providing a system accessible to third parties serving to conclude contracts on financial instruments;
4. portfolio management: managing portfolios in accordance with mandates given by clients on a discretionary client-by-client basis where such portfolios include one or more financial instruments;
5. investment advice in the sense of a recommendation personally addressed to an investor or potential investor or his authorised agent that is not exclusively public or distributed via information channels, concerning the purchase, sale, subscription, redemption, transfer, or holding of a financial instrument or the exercise or non-exercise of a right of purchase, sale, exchange, subscription, or redemption of a financial instrument;
6. underwriting of financial instruments and/or placing of financial instruments on a firm commitment basis;

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<sup>1</sup> Annex 2 inserted by LGBl. 2007 No. 261.

7. placing of financial instruments without a firm commitment basis;
  8. operation of multilateral trading facilities.
- 2) The activities referred to in articles 2 and 3 of Directive 2004/39/EC do not constitute investment services.

## **Section B**

### **Ancillary services**

1. Safekeeping and administration of financial instruments for the account of clients, including custodianship and related services such as cash/collateral management;
2. granting credits or loans to an investor to allow him to carry out a transaction in one or more financial instruments, where the firm granting the credit or loan is involved in the transaction;
3. advice to undertakings on capital structure, industrial strategy and related matters and advice and services relating to mergers and the purchase of undertakings;
4. foreign exchange services where these are connected to the provision of investment services;
5. investment research and financial analysis or other forms of general recommendation relating to transactions in financial instruments;
6. services relating to underwriting;
7. investment services and activities as well as ancillary services of the type included under Section A or B of this Annex related to the underlying of the derivatives included under Section C, items 5, 6, 7 and 10, where these are connected to the provision of investment or ancillary services.

## Section C

### Financial instruments

1. Transferable securities of all classes which are negotiable on the capital market, such as
  - a) shares in companies and other securities equivalent to shares in companies, partnerships or other entities, including depositary receipts in respect of such securities;
  - b) bonds or other forms of securitised debt, including depositary receipts in respect of such securities;
  - c) any other securities giving the right to acquire or sell any such transferable securities or giving rise to a cash settlement determined by reference to transferable securities, currencies, interest rates or yields, or other indices or measures;
2. money-market instruments which are normally dealt in on the money market, such as treasury bills, certificates of deposit and commercial papers and excluding instruments of payment;
3. units in collective investment undertakings;
4. options, futures, swaps, forward rate agreements and any other derivative contracts relating to securities, currencies, interest rates or yields, or other derivatives instruments, financial indices or financial measures which may be settled physically or in cash;
5. options, futures, swaps, forward rate agreements and any other derivative contracts relating to commodities that must be settled in cash or may be settled in cash at the option of one of the parties (otherwise than by reason of a default or other termination event);
6. options, futures, swaps, and any other derivative contracts relating to commodities that can be physically settled provided that they are traded on a regulated market and/or a multilateral trading facility;

7. options, futures, swaps, forwards and any other derivative contracts relating to commodities, that can be physically settled not otherwise mentioned in item 6 and not being for commercial purposes, which have the characteristics of other derivative financial instruments, having regard to whether, *inter alia*, they are cleared and settled through recognised clearing houses or are subject to regular margin calls;
8. derivative instruments for the transfer of credit risk;
9. financial contracts for differences; or

10. options, futures, swaps, forward rate agreements and any other derivative contracts relating to climatic variables, freight rates, emission allowances or inflation rates or other official economic statistics that must be settled in cash or may be settled in cash at the option of one of the parties (otherwise than by reason of a default or other termination event), as well as any other derivative contracts relating to assets, rights, obligations, indices and measures not otherwise mentioned in this Section, which have the characteristics of other derivative financial instruments, having regard to whether, *inter alia*, they are traded on a regulated market or multilateral trading facility, are cleared and settled through recognised clearing houses or are subject to regular margin calls.

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**Transitional provisions**

**952.0 Banking Act**

**Liechtenstein Law Gazette****Year 1998                      No. 223                      published on 30 December 1998****Law**

of 19 November 1998

**amending the Law on Banks and Investment  
firms (Banking Act)**

...

**II.****Transitional provisions**

1) Branches and representative offices that already existed prior to entry into force of this Act<sup>1</sup> shall not require a new licence.

2) Existing concessions and licences that do not conform to the provisions of article 14a shall be adjusted within one year after entry into force of this Act<sup>1</sup>.

3) Nomenclature that does not conform to the provisions of article 16, paragraphs 1 and 3 shall be adjusted within two years after entry into force of this Act<sup>1</sup>.

4) Concessions and licences that do not meet the requirements of this Act and the ordinances issued in connection herewith shall be adjusted to the new law within one year after the relevant enactments have entered into force or, if necessary, they shall be withdrawn or revoked.

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<sup>1</sup> Entry into force: 1 January 1999.

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## Liechtenstein Law Gazette

Year 2005

No. 13

published on 24 January 2005

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### Law of 26 November 2004 amending the Banking Act

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#### III.

##### Transitional provision

This Act shall apply to proceedings that are initiated after its entry into force.<sup>1</sup>

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<sup>1</sup> Entry into force: 24 January 2005.



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## Liechtenstein Law Gazette

Year 2007

No. 261

published on 31 October 2007

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### Law of 20 September 2007 amending the Banking Act

...

#### III.

##### Transitional provision

The new law shall apply to proceedings pending at the time of entry into force<sup>1</sup> of this Act.

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<sup>1</sup> Entry into force: 1 November 2007.

**Liechtenstein Law Gazette**

Year 1994

No. 22

published on 3 May 1994

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**Ordinance**  
of 22 February 1994  
**on Banks and Investment Firms**  
**(Banking Ordinance; BO)<sup>1</sup>**

**H. Qualifying holdings<sup>2</sup>**

Art. 27a<sup>3</sup>

*Principle*

The acquisition, increase, or sale of qualifying holdings in a bank or investment firm is governed by the provisions of Annex 8.

**Annex 8<sup>4</sup>**

**Acquisition, increase, and sale of qualifying holdings  
pursuant to Article 26a BA and Article 27a**

**I. Evaluation procedure**

**1. General considerations**

In assessing whether a holding is to be deemed qualifying, the FMA shall not take into account those voting rights or capital shares that are held by banks or investment firms as a result of the provision of services pursuant to Annex 2 Section A (1) (6) BA, provided that:

- a) such rights are not exercised or otherwise used to intervene in the management of the business; and
- b) the bank or investment firm sells such rights or shares within one year of acquiring them.

**2. Procedure**

1) Any natural or legal person or natural or legal persons acting together (hereinafter referred to as "proposed acquirer(s)") intending, either directly or indirectly, to acquire, increase, or sell a qualifying holding in a bank or investment firm with the result that the share of the voting rights or capital held reaches, exceeds, or falls below 20%, 33% or 50%, or that the bank or investment firm thereby becomes his/her/its subsidiary or ceases to be so, must notify the FMA.

2) The notification under paragraph 1 must be made in writing, stating the level of the intended holding or reduction in holding as well as the information set out in point II (1).

3) The FMA shall, within a maximum of two working days, confirm in writing to the proposed acquirer that it has received the notification and the documentation required under point II (1). At the same time the FMA shall notify the proposed acquirer of the date on which the evaluation period under paragraph 4 ends.

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<sup>1</sup> Title of Ordinance amended by LGBl. 2007 No. 278.

<sup>2</sup> Title preceding article 27a inserted by LGBl. 1999 No. 86.

<sup>3</sup> Art 27a amended by LGBl. 2009 No. 255.

<sup>4</sup> Annex 8 inserted by LGBl. 2009 No. 255 and amended by LGBl. 2009 No. 318 and LGBl. 2011 No. 314.

4) The FMA shall, within 60 working days after confirming receipt, evaluate the acquisition or increase of the holding (evaluation period).

5) The FMA may, no later than the 50th working day of the evaluation period, request further information needed to complete its evaluation. Such request shall be made in writing, stating what additional information is required. The evaluation period shall be interrupted from the time the FMA requests information until the corresponding response from the proposed acquirer is received. Such interruption may not exceed 20 working days. The FMA may, at its discretion, request further details or clarification of the information; this will not, however, result in the evaluation period being interrupted.

6) The FMA may extend the interruption of the evaluation period to 30 working days if the proposed acquirer:

- a) is resident in a third State or is supervised by a competent authority of a third State; or
- b) is a natural or legal person that is not, by virtue of the Banking Act, the Act on Certain Undertakings for Collective Investment in Transferable Securities, the Investment Undertakings Act, the Asset Management Act, or the Insurance Supervision Act, subject to supervision by the FMA.

7) If the FMA opposes the acquisition or increase, it shall notify the proposed acquirer of this in writing within two days of completing its evaluation, but in any event within the evaluation period, stating its reasons. If no opposition is raised within the evaluation period, the acquisition or increase shall be deemed to have been approved.

7a) The FMA may set a deadline for completion of the intended acquisition and extend that deadline where appropriate.

8) If the FMA is notified of two or more intentions to acquire, increase, or sell qualifying holdings in the same bank or investment firm, the FMA shall in all cases treat the intentions of the notifying parties in a non-discriminatory manner.

### **3. International cooperation**

1) When evaluating the acquisition or increase of a holding within the meaning of article 26a (2) BA, the FMA shall cooperate with the other competent authorities of the EEA Member States.

2) The cooperation shall in particular include the exchange of all information relevant to the evaluation of the acquisition or increase of a holding.

## **II. Evaluation**

1) The FMA shall, in order to ensure the sound and prudent management of the bank or investment firm in which the acquisition or increase of a holding is intended, and having regard to the likely influence of the proposed acquirer on the bank or investment firm, assess the suitability of the proposed acquirer and the soundness of the intended acquisition or increase against the following criteria:

- a) the reliability of the proposed acquirer.
- b) the reliability and experience of each person who, as a result of the acquisition or increase, will direct the business of the bank or investment firm;
- c) the financial soundness of the proposed acquirer, in particular in relation to the type of business pursued and envisaged in the bank or investment firm in which the holding is to be acquired;
- d) whether:
  - 1. the bank or investment firm is and will remain in a position to comply with the relevant supervisory requirements; and
  - 2. the group of which the bank or investment firm will become part as a result of the acquisition or increase has a structure that makes it possible to exercise effective supervision, determine a reasonable allocation of responsibilities, and effectively exchange information among the FMA and other competent authorities;
- e) whether there are sufficient grounds for suspecting that money laundering or terrorist financing is taking place or has taken place or has been attempted in connection with the intended acquisition, or the intended acquisition could increase the risk thereof.

2) The FMA may oppose the acquisition or increase if, on the basis of the criteria set out in paragraph 1, there are reasonable grounds for so doing or the information or documentation required to be submitted is incomplete.

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**Casino Ordinance (CO)**

of 21 December 2010

**3. Delegating tasks and activities of the casino to third parties**

## Article 36

*Principle*

1) The validity of agreements by way of which the casino delegates game-relevant tasks to third parties is subject to the prior approval of the Office of Economic Affairs. Game-relevant tasks shall include, in particular, any duties of the casino that concern the operation and monitoring of gaming operations and the flow of money.

2) The Office for Economic Affairs shall refuse to grant its approval in particular where the agreement:

- a) concerns duties which are deemed to be core duties of the casino pursuant to (3);
- b) could impair the casino's external independence;
- c) exceeds a cost/performance ratio customary in the market;
- d) does not allow the Office for Economic Affairs to get an overall picture of the cooperation, the division of the duties and responsibilities between the casino and the contracting partner as well as the financial remuneration between the contracting parties.

3) Core duties shall include, in particular, measures:

- a) with a direct effect on the gross gaming revenue;
- b) to implement a security concept;
- c) to implement the due diligence concept, subject to the express provisions on the delegation of individual due diligence obligations pursuant to article 14 DDA.

**IX. Due diligence obligations to prevent money laundering, organized crime, and terrorism financing****A. General considerations**

## Article 134

*Applicable law*

1) Unless the provisions of this Chapter provide otherwise, the provisions of the Due Diligence Ordinance (DDO) shall apply.

2) The provisions on occasional transactions shall always apply where there is no ongoing business relationship pursuant to article 136 (2).

## **B. Due diligence obligations**

### **1. Establishing and verifying the identity of the player; special documentation duties**

#### Article 135

##### *Processing an occasional transaction*

1) When processing an occasional transaction by personal contact, the casino shall establish the identity of the player and verify this by inspecting a document with probative value ("threshold identification"):

- a) when selling and buying back chips or gaming plaques of 3,000 Swiss francs or more;
- b) in the case of machine payouts of 5,000 Swiss francs or more;
- c) when issuing and cashing checks;
- d) when exchanging currency denominations and foreign currency and other cash transactions of 5,000 Swiss francs or more.

2) Instead of the "threshold identification" pursuant to (1), the casino can establish the identity of all visitors directly when they first enter the casino and verify this on the basis of document with probative value ("entry identification").

3) The casino shall set out in its internal instructions which of the two identification methods it uses.

#### Article 136

##### *Initiating an ongoing business relationship*

1) When initiating an ongoing business relationship, the casino shall establish the identity of the player and verify this on the basis of a document with probative value.

2) An ongoing business relationship shall be where the casino:

- a) provides the player with a chip account or a guest account;
- b) provides the player with an electronic carrier medium for game credit which is used for more than one gaming day and which has credit on it of more than 5,000 Swiss francs;
- c) issues the player with a client card which is recognized by the casino as evidence of identity.

#### Article 137

##### *Documents with probative value*

1) Documents with probative value shall be the identity documents pursuant to article 25 (1) of the Act.

2) If the player cannot obtain an official identity document from his home country, he must provide confirmation of his identity from the authority responsible for his place of residence.

3) Further to consultation with the FMA, the Office for Economic Affairs shall approve the use of client cards as documents with probative value if these make it possible to properly establish and verify identity and have been created on the basis of an official identification document of which the casino has retained a copy.

4) If the ongoing business relationship is commenced by correspondence, the casino shall verify the identity by obtaining the original or a certified copy of the document with probative value and:

- a) have the information pursuant to article 138 confirmed by signature or use of a secure electronic signature pursuant to article 2 (1) (d) or article 24 (3) of the Signature Act by the player; or

- b) verify the residential address of the future player by sending a registered letter with receipt or in another comparable manner.

#### Article 138

##### *Information to be collected and documented*

- 1) The casino shall collect and document the player's last name, first name, date of birth, country of residence and nationality.
- 2) It shall also collect and document the current residential address of the player in the course of the player-related documentation of occasional transactions pursuant to article 143.
- 3) In the case of ongoing business relationships, the casino must clarify whether the player is a politically exposed person pursuant to article 2 (1) (h) DDA.
- 4) If the player comes from a country which does not use dates of birth or residential addresses, this data shall not be required. The grounds for the exception shall be documented in the due diligence file.

## **2. Establishing and verifying the identity of the beneficial owner**

#### Article 139

##### *Principle*

The casino may assume that the player and the beneficial owner are one and the same person unless:

- a) the business relationship is ongoing;
- b) it carries out an occasional transaction in accordance with article 143 (1);
- c) it carries out bank transfers in favor of the player;
- d) it must assume that the assets which the player pays in, uses or deposits exceed his financial circumstances;
- e) contact with the player results in other unusual findings.

#### Article 140

##### *Written declaration by the player*

- 1) The casino must collect and document the player's last name, first name, date of birth, residential address, country of residence and nationality in order to establish and verify the identity of the beneficial owner.
- 2) It must have the accuracy of the information confirmed by the player by way of signature by his own hand or by way of a secure electronic signature pursuant to article 2 (1) (d) or article 24 (3) of the Signature Act.
- 3) In the case of ongoing business relationships, the casino must clarify whether the beneficial owner is a politically exposed person pursuant to article 2 (1) (h) DDA.
- 4) If the beneficial owner comes from a country which does not use dates of birth or residential addresses, this data shall not be required. The grounds for the exception shall be documented in the due diligence file.
- 5) If, during the course of an ongoing business relationship, doubts arise as to the identity of the beneficial owner, the casino shall repeat the establishment and verification of the identity of the beneficial owner and document this in the due diligence file.

### **3. Business profile**

#### Article 141

##### *Principle*

1) In the case of ongoing business relationships the casino must establish a profile of the business relationship with the following information:

- a) player and beneficial owner;
- b) authorized parties acting in dealings with the casino;
- c) economic background and origin of the assets;
- d) profession and business activity of the beneficial owner.

2) The casino shall ensure that the data and information contained in the business profile are kept up-to-date. The amount of detail required for the information pursuant to (1) shall be proportionate to the risk arising from the ongoing business relationship.

3) In the framework of the business profile pursuant to article 8 DDA, the casino shall divide the players identified on the basis of article 135 et seq. into at least two categories:

- a) players who meet one or more than one risk criterion pursuant to article 145 (2) and (3) (“higher risk”); or
- b) players who do not meet any such risk criterion or with respect to whom no such risk criterion has resulted from in-depth clarification.

4) It shall verify the categorization in accordance with (3) on an annual basis and submit this to the auditing body in the framework of the ordinary audit.

### **4. Risk-adequate monitoring**

#### Article 142

##### *Principle*

1) The casino shall check its lists of identified persons against the official lists of persons against whom immediate execution measures have been levied in accordance with the Act on the Enforcement of International Sanctions (ISA) within 10 days of publication of each official updated list.

2) It shall include the official lists pursuant to (1) in the lists of gaming prohibitions pursuant to article 22 of the Act.

3) It shall refuse those persons, against whom immediate execution measures have been levied in accordance with the ISA, access and the initiation of ongoing business relationships.

4) It shall make payouts to players of more than 25,000 Swiss francs exclusively by way of non-negotiable check or bank transfer. The right to physically return the bank notes paid in by the player is reserved.

#### Article 143

##### *Monitoring in the case of occasional transactions*

The casino shall document the following occasional transactions in a player-related manner and additionally monitor them in cases of enhanced due diligence obligations pursuant to article 147:

- a) buying back chips or gaming plaques of 15,000 Swiss francs or more;
- b) machine payouts including paying out credit on electronic carrier media for machine gambling credit of 15,000 Swiss francs or more;
- c) issuing and cashing non-negotiable checks for 15,000 Swiss francs or more;



- d) exchanging currency denominations and foreign currency of 5,000 Swiss francs or more;
- e) all transfers in the framework of a chip account or a guest account;
- f) all occasional transactions via electronic carrier media which are used for longer than one gaming day and have credit on them in excess of 5,000 Swiss francs.

#### Article 144

##### *Monitoring in the case of ongoing business relationships*

- 1) The casino shall ensure a risk-adequate monitoring of its ongoing business relationships.
- 2) It shall document all transactions in the course of an ongoing business relationship.

### **5. Enhanced due diligence obligations**

#### Article 145

##### *Criteria and measures for ongoing business relationships and occasional transactions with higher risks*

- 1) The casino shall allocate the respective ongoing business relationships and occasional transactions with higher risks in accordance with the internal instructions on the basis of the criteria set out in article 149. Ongoing business relationships with higher risks must be more intensively monitored.
- 2) Possible criteria for ongoing business relationships and occasional transactions with higher risks are, in particular:
  - a) domicile or place of residence of the player and the beneficial owner or their nationality;
  - b) type and place of the player's business activity and that of the beneficial owner;
  - c) amount of the assets paid in, used or deposited;
  - d) amount of assets changed back;
  - e) payouts of more than 100,000 Swiss francs from chip accounts, guest accounts or electronic carrier media for gaming credit;
  - f) a significant deviation from the transaction types, volumes or frequencies usual for the ongoing business relationship;
  - g) where the transaction deviates significantly from the business profile either in terms of type, volume or frequency;
  - h) country of origin or target country of transfers for the benefit of the player.
- 3) In the following cases ongoing business relationships and occasional transactions with higher risk must always be assumed:
  - a) in the case of ongoing business relationships with politically exposed persons;
  - b) where 30,000 Swiss francs or more are paid in at any one time;
  - c) in the case of ongoing business relationships by correspondence.
- 4) Additional measures to be set out in the internal instructions pursuant to article 149 are those pursuant to article 23 (3) (a), (b), and (d) DDO.

### **6. Documentation and internal organization**

#### Article 146

##### *Documentation duty*

- 1) The casino shall document observance of the due diligence obligations in accordance with the Act and the DDA in the due diligence files.

2) The due diligence files shall contain the documents and evidence created and compiled to comply with the provisions of the Act and the DDA. They must contain, in particular:

- a) the documents and documentation which have served to establish and verify the identity of the player and the beneficial owner;
- b) the business profile pursuant to article 141;
- c) the player-related documentation of the occasional transactions pursuant to article 143 and the ongoing business relationships pursuant to article 144;
- d) the documentation of all clarifications pursuant to article 144 and all documents and evidence collected in this connection;
- e) the documentation regarding the measures taken pursuant to article 145;
- f) any reports to the FIU pursuant to article 17 (1) DDA.

3) The documents and documentation pursuant to (2) (a) and (b) are player-related documents, those pursuant to (2) (c) to (f) are transaction-related documents and evidence.

#### Article 147

##### *Internal annual report*

1) In addition to the information pursuant to article 30 (1) (a) to (c) DDO, the casino's internal annual report must contain the following information in particular:

- a) the number of ongoing business relationships and how this number has changed (total, new, and terminated) vis-à-vis the previous year;
- b) the number of occasional transactions pursuant to article 135 (1) and how this number has changed (total, new, and terminated) vis-à-vis the previous year;
- c) the number of ongoing business relationships and occasional transactions with higher risks pursuant to article 145 (2) and (3);
- d) the number of persons responsible for the due diligence concept and the number of all of the casino employees who have contact with money or guests or who have management duties which are relevant for due diligence purposes, who carried out management duties relevant for due diligence purposes in the preceding calendar year, and how this number has changed vis-à-vis the previous year.

2) The annual report shall be transmitted to the FMA annually by the end of April of the following year without request.

#### Article 148

##### *Due diligence concept*

1) The casino shall maintain a due diligence concept pursuant to article 11 of the Act which ensures that:

- a) the duties imposed by the Act and the due diligence legislation are met;
- b) the special due diligence obligations of casinos, particularly those pursuant to article 25 (2), 30, 31, and 36 (3) of the Act and those pursuant to article 24 (2) and 137 to 155 of this Ordinance are met;
- c) the auditing body pursuant to article 37 of the Act is assigned the mandate prescribed by statute;
- d) the reporting to the Office for Economic Affairs and the FMA is carried out.

2) The administration or management of the casino is responsible for issuing and updating the due diligence concept.

## Article 149

### *Internal instructions*

1) The casino shall issue internal instructions on how the due diligence obligations and the related duties under the Act and the DDA must be specifically met and shall make these known to all persons responsible for the due diligence obligation and all of the casino's employees with due diligence-relevant obligations.

2) In addition to the information pursuant to article 31 (2) (a) to (d), (g) and (i) DDO, the internal instructions must contain the following, in particular:

- a) the chosen identification method pursuant to article 135;
- b) the criteria and measures pursuant to article 145;
- c) the main features of the training and further training pursuant to article 148.

## Article 150

### *Non-negotiable checks*

1) The casino shall keep a special register of the non-negotiable checks accepted and issued.

2) All of the non-negotiable checks issued by the casino shall be printed with: "This document confirms neither wagers nor a win".

## Article 151

### *Chip account*

1) The casino shall keep a special register of the chip account.

2) If the casino provides the player with a chip account, the chip container may only be used for chips and gaming plaques of the casino and only opened, closed, and managed by authorized casino staff.

3) The account shall be kept for a maximum of one year. After this time the casino shall close the account and transfer the player's credit by way of non-negotiable check. If the non-negotiable check cannot be delivered to the player, the casino shall keep the credit for five years from the unsuccessful delivery attempt at the disposal of the player. After expiry of this period, the credit shall go to the casino and, where this has not already taken place, added to the gross gaming revenue.

## Article 152

### *Guest account*

1) In order to open a guest account by correspondence, the casino shall use a form that requires the consent of the Office for Economic Affairs.

2) If the player wishes to withdraw amounts from his guest account, the identity of the player and the beneficial owner shall again be established and verified.

3) Should the player not withdraw any or not withdraw more than 10 percent of the amount paid in, after twelve months the account balance shall be returned to the branch of the bank which originally made the transaction.

4) Payments into the casino's account without first meeting the obligations pursuant to article 10 (1) of the Due Diligence Ordinance shall not be accepted/shall be transferred back.

5) If the casino holds a collective account in connection with the setting up of a guest account, it must compile a complete list of the beneficial owners and have each mutation notified to it without undue delay.

#### Article 153

##### *Training and further training*

1) The persons responsible for the due diligence concept and all of the casino's employees with due diligence-related obligations shall complete training and further training on the aspects of the prevention of money laundering, organized crime, and terrorism financing essential for their function. The obligatory training and further training shall consist of basic training, which they must complete within six months of commencing the job, and further training on an annual basis. The trainees shall receive confirmation of their attendance. This shall be submitted to the FMA on request.

2) The training and further training shall be provided by qualified persons or institutions.

3) The training and further training shall be documented.

### **X. Final provisions**

#### Article 154

##### *Evaluation report*

The evaluation report pursuant to article 96 of the Act shall record, in particular, the experience with the approved casino in respect of meeting the statutory targets and the economic and business situation as well as a recommendation regarding the licensing of further casinos.

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### Code of Criminal Procedure (Strafprozessordnung, StPO)

of 18 October 1988

I hereby grant My consent to the following resolution adopted by Parliament:

#### Title I

#### General provisions

##### § 1

1) Acts assigned to the court for adjudication may be punished only after criminal proceedings in accordance with the Code of Criminal Procedure and pursuant to a judgement given by the competent judge.

2) Death of the accused shall terminate the criminal proceedings. In that case, even a judgement that has not become final shall cease to have effect. The legal provisions governing *in rem* proceedings shall not be affected thereby.

##### § 2

1) Judicial prosecution of punishable acts shall be initiated only upon application of a prosecutor.

2) If a punishable act is to be prosecuted only at the request of an injured party or other involved party, that party shall be responsible for bringing private charges. In the cases referred to in § 117 paragraph 2, first and second sentence StGB, the injured party shall be entitled to bring his own charges even if the public prosecutor is unable to prosecute the punishable act either because the injured party makes an

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irrevocable declaration before the deadline set out in § 31 paragraph 1, without prior enquiry by the public prosecutor, that he does not grant the required authorization, or because, upon enquiry by the public prosecutor, a declaration necessary for authorization is refused by the injured party and the competent authority; in the case of such a refusal or subsequent withdrawal of a declaration necessary for authorization of the public prosecutor, the beginning of the time period for the injured party to bring charges shall commence in accordance with § 117 paragraph 2, last sentence StGB.

3) All punishable acts not subject to private prosecution, including those whose prosecution requires an application or authorization, shall be subject to public prosecution. Public prosecution shall be the responsibility of the Public Prosecutor, but may also be assumed by a civil claimant in his stead in accordance with §§ 32 and 173.

4) If the prosecution takes place only on application, it may not be initiated before the application has been substantiated to the court. The application may be withdrawn until the end of the trial.

5) If the prosecution takes place only with the authorization of the injured party or another involved party, the public prosecutor or the National Police shall, if the authorization has not yet been granted, enquire without delay whether it is granted. A declaration that a civil claimant joins the criminal prosecution shall be deemed an authorization. The authorization shall be deemed refused if it is not granted within fourteen days of service of the enquiry; in the case of public defamation of Parliament, the time limit of fourteen days shall be replaced by a time limit of six weeks, not including time without meetings. The authorization must refer to a specific person and must be substantiated to the court before commencement of the trial. The authorization may be withdrawn until the end of the trial.<sup>1</sup>

6) The public charges shall expire as soon as the Reigning Prince orders that no criminal proceedings for a punishable act shall be initiated or the initiated proceedings shall be discontinued.

#### § 2a<sup>2</sup>

It shall not be permissible to induce persons to undertake, continue, or complete an offence or to have secretly appointed persons entice a confession.

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<sup>1</sup> § 2 paragraph 5 amended by LGBl. 2012 No. 266.

<sup>2</sup> § 2a inserted by LGBl. 2012 No. 26.

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§ 3

All authorities involved in the criminal proceedings shall consider the circumstances that incriminate and that defend the accused with the same care, and they shall be required to inform the accused of his rights, even where not expressly stipulated to do so.

§ 4

Private law claims of the damaged party shall be taken care of in the course of the criminal proceedings on application of the damaged party, unless the need for further elaboration makes a referral of such claims to civil proceedings appear indispensable.

§ 5

1) The criminal investigation and judgement shall extend also to preliminary questions under private law.

2) The criminal judge shall not be bound by findings of the civil judge regarding such preliminary questions, to the extent the criminal liability of the accused is at issue.

§ 6

1) The time limits set out in this law may not be extended, unless the contrary is expressly provided. Where they are to commence on a particular day, they shall be calculated so that this day is not counted. Time limits measured in hours shall be calculated from moment to moment.<sup>1</sup>

2) The commencement and progression of a time limit shall not be hindered by Saturdays, Sundays, public holidays, and Good Friday. But if the end of such a time limit falls on such a day, the next business day shall be considered the last day of the time limit.

3) Days in the mail shall not be included in the time limit.

4) Unless other details are provided, appeals and other legal remedies and all other submissions may be submitted to the court, the Office of the Public Prosecutor, or the National Police in writing or placed on record

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<sup>1</sup> § 6 paragraph 1 amended by LGBl. 2012 No. 26.

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orally. Where they are bound by a time limit, they shall be deemed on time also if they are submitted within the time limit to the authority that is responsible for deciding them.<sup>1</sup>

#### § 7

1) If a monetary penalty imposed under the Code of Criminal Procedure turns out not to be collectable in whole or in part, the court shall reassess it in cases worthy of consideration, but otherwise shall convert it into an alternative term of imprisonment of up to eight days.

2) The provisions of the Enforcement of Sentences Act regarding the enforcement of terms of imprisonment not exceeding three months shall apply *mutatis mutandis* to the enforcement of these alternative terms of imprisonment as well as to the terms of imprisonment provided under the Code of Criminal Procedure and to coercive detention.

3) All monetary penalties shall flow to the State.

#### § 8<sup>2</sup>

1) The courts, the Office of the Public Prosecutor, and the National Police shall be required to provide reciprocal administrative assistance for the performance of duties under this law, and they shall be entitled to request support from all authorities of the State and the municipalities. These authorities shall execute such requests without unnecessary delay or shall immediately indicate any obstacles to their execution.

2) Requests as referred to in paragraph 1 that refer to offences committed by a specific person may, with reference to existing legal obligations to maintain secrecy or to the fact that data in question is automatically processed personal data, be refused only if these obligations are expressly imposed also vis-à-vis the court or if responding to the request would violate preponderant public interests, which must be indicated and justified in detail.

3) The courts, the Office of the Public Prosecutor, and the National Police shall be entitled to provide information regarding personal data obtained in accordance with this law for the purpose of security administration, administration of justice, and supervision of the lawfulness of the actions by the abovementioned bodies. Apart from that,

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<sup>1</sup> § 6 paragraph 4 inserted by LGBl. 2012 No. 26.

<sup>2</sup> § 8 amended by LGBl. 2012 No. 26.

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the transmission of data to authorities other than the National Police, the Office of the Public Prosecutor, and the court shall be permissible only if covered by an explicit authorization by law.

4) If a request is refused or if the request is complied with only incompletely or with a delay, the court, the Office of the Public Prosecutor, or the National Police shall report this fact to the competent authority so that a remedy can be found in the appropriate way. If this duty is neglected, the prosecution authorities may not assert the delays caused by another authority as a justification for delaying the proceedings. If, however, a request by the Office of the Public Prosecutor for administrative or legal assistance is not or not fully complied with by a requested court, then the Court of Appeal shall, on application of the Office of the Public Prosecutor and without prior oral heading, decide on the lawfulness of the omitted administrative or legal assistance or on any other subject of the difference of opinion.

#### § 10<sup>1</sup>

1) The National Police shall be obliged to investigate every criminal offense which is subject to indictment and suspicion of which has been brought to their attention. For this purpose the National Police shall without delay carry out inquiries to ascertain the facts and issue such orders as are necessary to prevent the removal of the traces of the criminal act or the escape of the suspect. The National Police shall only be permitted unsolicitedly to take persons into custody, and to take other coercive measures, in the cases envisaged in this law. They shall inform the Office of the Public Prosecutor or the investigating judge of their orders and inquiries in accordance with § 11.

2) To perform their duty in accordance with paragraph 1 the National Police shall be entitled,

1. to receive communications and demand information from persons;
2. to ascertain the identity of suspects and persons who can contribute towards clarification of the suspicion (§ 91a);
3. to take fingerprints and photographs of persons who are strongly suspected of a crime or an offense (Art. 24a of the National Police Act);

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<sup>1</sup> § 10 amended by LGBl. 2012 No. 26.

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4. to question unsworn witnesses and suspects, whereby the National Police shall apply mutatis mutandis the provisions of Titles X. to XII;
  5. to search real estate and premises which are not accessible to the general public and do not form part of a household (§ 92 paragraph 1), vehicles or containers, as well as a person, in accordance with § 92 paragraph 2;
  6. to carry out a house search in the cases listed under § 94;
  7. to arrange the investigation of biological traces at the scene of a crime or the non-invasive sampling of persons (§ 95a paragraph 3, last sentence);
  8. to seize items pursuant to § 96a;
  9. to monitor the behavior of a person pursuant to § 104a;
  10. to carry out an undercover inquiry (§ 104b).

3) Insofar as the National Police are not carrying out an undercover inquiry, they shall point out their official status, unless this is obvious from the circumstances. They are permitted to receive communications or demand information provided this is given voluntarily and is not obtained by compulsion. The provisions concerning the questioning of persons charged and witnesses shall not be permitted to be circumvented thereby. The subject-matter of information provided and other circumstances which has been obtained through such inquiries and which may be of significance for the proceedings shall be recorded in an official memorandum (§ 47 paragraph 2).

4) A deferment of the inquiries incumbent upon the National Police in accordance with this provision is permissible if

1. this promotes the clarification of a substantially more serious criminal act or the gathering of information on a leading accessory to the commission of the punishable act and this deferment does not involve any serious risk to life, health, physical injury or the freedom of third parties, or
2. otherwise a serious risk to life, health, physical injury or the freedom of a person would arise, which cannot be averted in another manner.

5) The National Police shall without delay inform the Office of the Public Prosecutor about a deferment in accordance with paragraph 4.



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Title III  
**The Office of the Public Prosecutor**

§ 19<sup>1</sup>

1) The duties and organization of the Office of the Public Prosecutor shall be guided by the requirements set out in the Law on the Office of the Public Prosecutor, unless this law provides otherwise.

2) The Public Prosecutor shall be independent of the courts in the exercise of his office.

§ 20

1) The sphere of activity of the Public Prosecutor shall include involvement in all proceedings governed by this law, especially all investigations and trials pursuant to criminal proceedings initiated for crimes, misdemeanours, and infractions.

2) The Public Prosecutor shall make sure that all means serving discovery of the truth shall be properly used. The Public Prosecutor shall be authorized to take note of the status of pending investigations at any time by inspecting the case files or to request their notification and to make the appropriate applications, without however leading to an interruption of the criminal proceedings.

3) The Public Prosecutor shall make applications orally or in writing, and each such application must be decided by a judicial order or ruling. In the same way, the Public Prosecutor shall make declarations regarding applications of the accused or enquiries by the court.

4) The Public Prosecutor shall not participate in deliberations of the court.

5) The Public Prosecutor shall be authorized to make direct contact with the safety and other authorities and to avail himself of their assistance.

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<sup>1</sup> § 19 amended by LGBl. 2011 No. 53.

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§ 21

1) The Office of the Public Prosecutor shall, *ex officio* and with the assistance of the National Police, be responsible for solving all punishable acts of which it gains knowledge and which are not subject to investigation and punishment merely at the request of an involved party, and it shall prosecute those suspected of committing the punishable acts, in order to enable the court to do what is necessary for purposes of investigation and punishment.<sup>1</sup>

2) The Public Prosecutor may, however, if the person is accused of several punishable acts, refrain from prosecuting individual such acts and abandon their prosecution, without prejudice to later resumption (§ 281 paragraph 1, subparagraph 3):

- a) if doing so is unlikely to have a significant influence on the penalties or protective measures or on the legal consequences associated with the sentence;
- b) if the accused is extradited to a foreign authority for the other punishable acts and the penalties or protective measures expected in Liechtenstein are insubstantial compared with those likely to be imposed abroad. If the Public Prosecutor resumes the reserved prosecution at a later time, it shall no longer be permissible to reserve the prosecution of individual punishable acts yet again.

3) The Public Prosecutor may furthermore refrain from prosecution of a punishable act committed abroad or abandon the prosecution thereof if the perpetrator has already been punished abroad for that act and it is not to be expected that the domestic court would impose a stricter penalty.

4) The rights accorded to civil claimants in accordance with §§ 173 and 320 shall not be affected by the provisions set out in paragraphs 2 and 3. For this reason, the civil claimants shall be notified if the Public Prosecutor makes use of one of the possibilities for desisting from prosecution provided in paragraphs 2 and 3. This notification shall be the responsibility of the Public Prosecutor, unless the investigating judge considered the issue, in which case the latter shall be responsible for notification.

5) Repealed<sup>2</sup>

6) Repealed<sup>3</sup>

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<sup>1</sup> § 21 paragraph 1 amended by LGBl. 2012 No. 26.

<sup>2</sup> § 21 paragraph 5 repealed by LGBl. 2007 No. 292.

<sup>3</sup> § 21 paragraph 6 repealed by LGBl. 2007 No. 292.

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§ 21a

1) For this purpose, the Office of the Public Prosecutor shall also be entitled to have the National Police or the investigating judge carry out provisional enquiries in order to obtain the necessary reference points for initiating criminal proceedings against a specific person (§ 22 paragraph 1).<sup>1</sup>

2) The investigating judge shall have the same rights and duties in these provisional enquiries that he has in the investigation; the National Police shall proceed in accordance with the provisions of Title Ia.<sup>2</sup>

3) The Office of the Public Prosecutor shall be entitled to have the National Police question persons who are likely to be able to provide clarification concerning punishable acts that have been committed. The Office of the Public Prosecutor may also itself question such persons, but not under oath, and have the National Police gather evidence by inspection and search premises, and it may accompany such official acts, if they cannot be carried out or ordered by the competent investigating judge because of an imminent danger.<sup>3</sup>

4) The records of such acts, for which all formalities required for judicial official acts of this kind must be complied with, may however be used as evidence only if they are immediately communicated to the investigating judge, who shall verify their form and completeness and if necessary shall ensure that the acts are repeated or completed; otherwise, the records shall be deemed null and void.<sup>4</sup>

§ 22

1) If, upon reviewing the report of the offence or the final report (§ 11 paragraph 2, subparagraph 4) and the findings of any provisional enquiries conducted additionally at its request, the Office of the Public Prosecutor finds sufficient grounds for initiating criminal proceedings against a specific person, the Office of the Public Prosecutor shall either submit the application for initiation of an investigation or issue the indictment. Otherwise, the Office of the Public Prosecutor shall discontinue the provisional enquiries with a brief record of its considerations in this regard, and shall notify this to the investigating judge, if the investigating judge was involved with the provisional

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1 § 21a paragraph 1 amended by LGBl. 2012 No. 26.

2 § 21a paragraph 2 amended by LGBl. 2012 No. 26.

3 § 21a paragraph 3 amended by LGBl. 2012 No. 26.

4 § 21a paragraph 4 inserted by LGBl. 2007 No. 292.

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enquiries. In that case, the investigating judge shall immediately release the accused, if the accused was arrested.<sup>1</sup>

2) The Office of the Public Prosecutor shall notify persons who have already been questioned as suspects in punishable act (§ 23 paragraph 3) or who, according to the content of the case files, otherwise gained knowledge of the suspicion directed against them, as well as any victims and civil claimants, that the provisional enquiries have been discontinued.<sup>2</sup>

#### § 61

1) The investigating judge shall question all persons who can with probability be expected to be able to provide information concerning the circumstances of the offense or concerning the identity of participants in the offense and their relationship to the offense, and in particular shall also question the parties adversely affected by the punishable act.

2) Persons already questioned may also be questioned once again by the investigating judge, insofar as this seems relevant to supplement or clarify their previous statements.

### Title VIII

#### **Evidence by inspection and expert witnesses**

##### **I. Evidence by inspection and consultation of expert witnesses in general**

#### § 74

1) Expert witness who have already sworn an oath in general shall be reminded of their oath by the investigating judge before the official act commences.

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<sup>1</sup> § 22 paragraph 1 amended by LGBl. 2012 No. 26.

<sup>2</sup> § 22 paragraph 2 amended by LGBl. 2012 No. 266.

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2) Before taking evidence by inspection, other expert witnesses shall swear under oath that they will carefully investigate the object of the inspection, that they will record their observations faithfully and completely, and that they will report their findings and opinion to the best of their knowledge and belief and according to the rules of their science or skill.

## II. Seizure

### § 92<sup>1</sup>

1) A house search, i.e. the search of the residence or other premises forming part of the household, is permissible if there is a justified suspicion that a person suspected of a crime or offence has concealed himself within it or that there are items or traces there which may be of significance or are to be evaluated for the investigation.

2) A personal search, i.e. the search of the clothing of a person and the items which the person has with him, is permissible if this person has been arrested or caught in the act, a criminal offence is suspected and on the basis of specific facts it is to be assumed that he has with him or has traces on him of items which are subject to seizure or if as a result of a criminal offence he has suffered injuries or could have experienced other bodily changes the ascertainment of which is necessary for purposes of criminal proceedings.

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<sup>1</sup> § 92 amended by LGBl. 2012 No. 26.

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§ 96

1) If objects are found that might be of importance to the investigation or that are subject to forfeiture or confiscation, they shall be listed in a register and taken under judicial custody or care or shall be seized (§ 60).

1a) The seizure of objects for reasons of evidence shall not be permissible and must be lifted in any event at the request of the person concerned, to the extent that and as soon as the purpose of the evidence can be fulfilled through video, audio, or other recording or through copies of written records or automatically processed data and if it is not to be assumed that the objects themselves or the originals of the seized information will be inspected during trial. Where available, the seizure shall be limited to the recordings and copies.<sup>1</sup>

2) Every person shall be obliged (§ 9 paragraph 4) to surrender objects subject to seizure on request, especially also documents, or to permit the seizure in another way. If a person refuses to surrender an object the possession of which has been admitted or has been otherwise proven, and if such surrender cannot be effected by a search of premises, the possessor may, unless he is suspected of having committed the punishable act himself or is dispensed from the duty to testify as a witness, be forced to effect such surrender by a coercive penalty of up to 10,000 francs and, if the refusal continues and in important cases, also by coercive detention for a term of up to six weeks (§ 9 paragraphs 5 and 6).<sup>2</sup>

2a) Where information saved on data carriers is to be seized, every person shall grant access to that information and on request hand over an electronic data carrier in a commonly used file format or have such a data carrier produced. Moreover, the person shall permit the production of a backup copy of the information saved on the data carriers.<sup>3</sup>

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<sup>1</sup> § 96 paragraph 1a inserted by LGBL 2012 No. 26.

<sup>2</sup> § 96 paragraph 2 amended by LGBL 2012 No. 26.

<sup>3</sup> § 96 paragraph 2a inserted by LGBL 2012 No. 26.

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3) The person required to surrender the object, unless he is suspected of having committed the offense himself, shall on his application be reimbursed for reasonable costs necessarily incurred by separation from documents or other evidentiary objects by others or by issuing photocopies (copies, reproductions).<sup>1</sup>

4) The seizure shall be lifted as soon as its preconditions have lapsed. The seizure shall be lifted by returning the seized objects or by destroying the recordings and copies.<sup>2</sup>

#### § 96a

1) Even if there is no imminent danger (§ 10 paragraph 1), the National Police shall be entitled to itself seize objects<sup>3</sup>

1. if those objects<sup>4</sup>
  - a) are not at anyone's disposal,<sup>5</sup>
  - b) were taken from the injured party through the offence,<sup>6</sup>
  - c) were found at the scene of the offence and might have been used to commit the offence or might have been intended for that purpose, or<sup>7</sup>
  - d) are of little value or can easily be replaced on a temporary basis,<sup>8</sup>
2. the possession of which is generally prohibited (§ 356a paragraph 1), or<sup>9</sup>
3. found on a person arrested on grounds of § 127 paragraph 1, subparagraph 1 or found in a search the National Police is permitted to carry out on its own accord (§ 93 paragraph 4).<sup>10</sup>

2) § 96 shall apply *mutatis mutandis* to the securing of such objects.<sup>11</sup>

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1 § 96 paragraph 3 inserted by LGBl. 2003 No. 237.

2 § 96 paragraph 4 inserted by LGBl. 2012 No. 26.

3 § 96a paragraph 1, introductory sentence inserted by LGBl. 2012 No. 26.

4 § 96a paragraph 1, subparagraph 1, introductory sentence inserted by LGBl. 2012 No. 26.

5 § 96a paragraph 1, subparagraph 1(a) inserted by LGBl. 2012 No. 26.

6 § 96a paragraph 1, subparagraph 1(b) amended by LGBl. 2012 No. 266.

7 § 96a paragraph 1, subparagraph 1(c) inserted by LGBl. 2012 No. 26.

8 § 96a paragraph 1, subparagraph 1(d) inserted by LGBl. 2012 No. 26.

9 § 96a paragraph 1, subparagraph 2 inserted by LGBl. 2012 No. 26.

10 § 96a paragraph 1, subparagraph 3 amended by LGBl. 2012 No. 266.

11 § 96a paragraph 2 inserted by LGBl. 2012 No. 26.

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§ 97

If objects are found during a search of premises or persons that indicate the commission of a punishable act other than the act for which the search was conducted, then such objects shall be seized if the act is subject to prosecution *ex officio*; however, a separate record must be compiled on such seizure and immediately communicated to the Public Prosecutor. If the Public Prosecutor does not apply for initiation of criminal proceedings, the seized objects shall be returned immediately.

§ 97a

1) If the suspicion of unjust enrichment arises and it must be assumed that this enrichment will be subject to deprivation of enrichment under § 20 StGB, or if the suspicion arises that assets are subject to the disposal of a criminal organization or terrorist group (§§ 278a and 278b StGB), are made available or have been collected as means of terrorist financing (§ 278d StGB), or originate from an act entailing a penalty, and if it must be assumed that these assets will be subject to forfeiture under § 20b StGB, then the court shall, on application of the Office of the Public Prosecutor, order the following measures in particular, for purposes of securing the deprivation of the enrichment or the forfeiture, if it must be feared that collection would otherwise be endangered or significantly hampered:<sup>1</sup>

1. the distraint, custody, and legal administration of moveable physical objects, including the deposit of money,
2. the judicial prohibition of selling or pledging moveable physical objects,
3. the judicial prohibition of disposing of credit balances or of other assets,
4. the judicial prohibition of selling, mortgaging, or pledging real estate or rights entered in the Land Register.

Through the prohibition under point 3, the State shall acquire a lien on the credit balances and other assets.<sup>2</sup>

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<sup>1</sup> § 97a paragraph 1, introductory sentence amended by LGBl. 2012 No. 26.

<sup>2</sup> § 97a paragraph 1 amended by LGBl. 2000 No. 257 and LGBl. 2003 No. 167.



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2) The order may also be issued if the amount of the sum to be secured under paragraph 1 has not yet been determined precisely.<sup>1</sup>

3) The order may specify an amount of money, the deposit of which prevents execution of the order. Once the deposit has been made, the order shall be lifted in this respect on application of the affected person. The amount of money shall be determined so that it covers the expected deprivation of enrichment or the expected forfeiture.<sup>2</sup>

4) The court shall limit the duration for which the order is issued. This deadline may be extended upon application. If two years have passed since the order was first issued, without an indictment being made or an application submitted in the independent *in rem* proceedings under § 356, then further extensions of the deadline for one additional year each shall be permissible only with the approval of the Court of Appeal.<sup>3</sup>

5) The order shall be lifted as soon as the conditions for its issue have lapsed, especially also if it must be assumed that the deprivation of enrichment or the forfeiture will not occur or if the deadline under paragraph 4 has expired.<sup>4</sup>

6) A ruling on the issuing or lifting of the order may be appealed to the Court of Appeal by the Office of the Public Prosecutor, the accused, and other persons affected by the order (§ 354).<sup>5</sup>

### III. Search and seizure of documents

#### § 98

1) When searching documents, it must be ensured that unauthorized persons do not gain knowledge of their content.

2) Documents that have been taken under judicial custody and that cannot be recorded immediately must be put into an envelope to be closed with the seal of the court. Any affected persons present during the search shall also be allowed to add their seal. When the seals are broken, the affected person shall be summoned to attend. If he does not respond

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<sup>1</sup> § 97a paragraph 2 amended by LGBl. 1998 No.174.

<sup>2</sup> § 97a paragraph 3 amended by LGBl. 2000 No. 257.

<sup>3</sup> § 97a paragraph 4 amended by LGBl. 2000 No. 257.

<sup>4</sup> § 97a paragraph 5 amended by LGBl. 2000 No. 257.

<sup>5</sup> § 97a paragraph 6 amended by LGBl. 1998 No. 174.

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to such a summons or if the summons cannot be sent due to his absence, the seals shall nevertheless be broken.<sup>1</sup>

#### § 98a

1) To the extent it appears necessary for solving a case of money laundering within the meaning of the Criminal Code, a predicate offence of money laundering, or an offence in connection with organized crime, banks, investment firms, insurance companies, asset management companies, and management companies under the UCITS Act and the Investment Undertakings Act (hereinafter "institutions") shall be required by judicial ruling<sup>2</sup>

1. to disclose the name, other data known to them concerning the identity of a holder of a business relationship, and the address of such person,<sup>3</sup>
2. provide information on whether a suspect maintains a business relationship with this institution, is a beneficial owner or authorized person of such a business relationship, and, to the extent this is the case, provide all information necessary to precisely determine this business relationship and all documents concerning the identity of the holder of the business relationship and his powers of disposal,<sup>4</sup>
3. all documents and other materials concerning the type and scope of the business relationship and associated business processes and other business transactions in a specific past or future time period.<sup>5</sup>

The same shall apply if, on the basis of particular facts, it must be assumed that the business relationship has been or continues to be used for transacting a pecuniary advantage that was obtained through punishable acts or received for such acts (§ 20 StGB) or is subject to the power of disposal of a criminal organization or terrorist group or has been made available or collected as means of terrorist financing (§ 20b StGB).<sup>6</sup>

1a) Under the conditions mentioned in paragraph 1, persons working for institutions must testify as witnesses regarding facts that have been

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<sup>1</sup> § 98 paragraph 2 amended by LGBl. 2012 No. 26.

<sup>2</sup> § 98a paragraph 1, introductory sentence amended by LGBl. 2013 No. 40.

<sup>3</sup> § 98a paragraph 1, subparagraph 1 inserted by LGBl. 2003 No. 237.

<sup>4</sup> § 98a paragraph 1, subparagraph 2 inserted by LGBl. 2003 No. 237.

<sup>5</sup> § 98a paragraph 1, subparagraph 3 inserted by LGBl. 2003 No. 237.

<sup>6</sup> § 98a paragraph 1, final sentence inserted by LGBl. 2003 No. 237.

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entrusted or made available to them pursuant to the business relationship.<sup>1</sup>

2) Instead of the originals of documents and other materials, photocopies may also be handed over if their correspondence with the originals is beyond doubt. If data carriers are used, the institution must surrender permanent reproductions that are readable without any additional aids or must have such reproductions produced; if automated data processing is used to administer the business relationship, then an electronic data carrier in a commonly used file format may be transmitted. § 96 paragraph 3 shall apply *mutatis mutandis*.<sup>2</sup>

3) A ruling under paragraph 1 shall in all cases be served upon the institution. Service upon other persons with powers of disposal that arise from the business relationship and have become known may be deferred if service would endanger the purpose of the investigation. The institution shall be notified of this and must maintain secrecy for the time being with respect to all facts and processes associated with the judicial order vis-à-vis clients and third parties. Under these conditions, persons working for the institution may also not inform the contracting party or third parties about ongoing investigations.<sup>3</sup>

4) If the institution does not want to cede certain documents or other materials or does not want to divulge certain information, then §§ 96 et seq. shall apply *mutatis mutandis*. The prohibition against providing information under paragraph 3 shall not be affected thereby.<sup>4</sup>

#### **IV. Seizure and opening of letters and other deliveries**

##### § 99<sup>5</sup>

If the accused is already serving a term of imprisonment of more than one year due to a punishable act committed wilfully, or if he has been ordered to appear or be arrested because of such act, the investigating judge may seize telegrams, letters, or other deliveries sent

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<sup>1</sup> § 98a paragraph 1a amended by LGBl. 2013 No. 40.

<sup>2</sup> § 98a paragraph 2 amended by LGBl. 2013 No. 40.

<sup>3</sup> § 98a paragraph 3 amended by LGBl. 2013 No. 40.

<sup>4</sup> § 98a paragraph 4 amended by LGBl. 2013 No. 40.

<sup>5</sup> § 99 amended by LGBl. 2012 No. 26.

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by the accused or addressed to him and request that they be handed over by the establishments conveying them. These establishments shall furthermore, at the request of the Office of the Public Prosecutor, be required to hold back such deliveries until a court order has arrived; but if such an order is not issued by the investigating judge within three days, they may no longer delay the conveyance.

§ 105<sup>1</sup>

1) As a rule, any person summoned to appear as a witness shall be under an obligation to comply and to give evidence before the court on what he knows about the subject-matter of the investigation.

2) The summons must state the subject-matter of the proceedings and of the questioning, as well as the place, date and time of commencement of the hearing. Victims shall thereby be informed about their fundamental rights in the proceedings (§ 31a), unless this has already occurred. Every person is under an obligation to comply with such a summons and can, in the event of an unjustified failure to appear, compulsorily be brought before the court subject to the prerequisites cited in § 113, if this has been expressly threatened in the summons.

§ 106<sup>2</sup>

1) The following may not be questioned as witnesses, and their statements are otherwise null and void:

1. The clergy or ministers of the church in respect of what has been entrusted to them in confession or otherwise under the seal of the spiritual code of silence in office;
2. Civil servants (§ 74 paragraph 1, subparagraphs 4 and 4a StGB), if their evidence would infringe the official secrecy incumbent on them, insofar as they are not released from this obligation by their superiors;
3. Persons who at the time they are to give evidence are incapable of stating the truth due to a physical illness, a mental disability or for another reason.

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<sup>1</sup> § 105 amended by LGBl. 2012 No. 26

<sup>2</sup> § 106 amended by LGBl. 2012 No. 26.

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- 2) However, there shall be no obligation of secrecy in accordance with paragraph 1, subparagraph 2 insofar as the witness in the service of the administration of penal justice has made assertions on the subject-matter of the proceedings or there is an obligation to notify (§ 53).

§ 107

1) The following shall be released from the obligation to give evidence:

1. Persons who would be giving evidence in the proceedings against a relative (§ 72 StGB), whereby for the assessment of the entitlement to refuse to give evidence the capacity of a person as a relative substantiated through a marriage or registered partnership shall be maintained even if the marriage or registered partnership no longer exists, which also applies mutatis mutandis for a de facto cohabitation.
2. Persons who could be harmed through the criminal offense of which the person charged is accused and who at the time of their hearing have not yet reached the age of eighteen or who could have been harmed in their sexual sphere if the parties had the opportunity to participate in a prior adversarial examination (§§ 115a, 195).

2) Pursuant to paragraph 1, subparagraph 1 an adult person participating in the proceedings as a civil claimant (Privatbeteiligter) (§ 32) shall not be released from giving evidence.

3) If, in proceedings against more than one person charged, only one of them is released from giving evidence, the witness shall only be released with regard to the others if a separation of the statements is not possible. The same shall apply if the reason for the release only relates to one of several circumstances.

4) Witnesses shall be notified of their release from the obligation to give evidence prior to their examination or as soon as the reason for such release is known, and their declaration submitted in this connection shall be noted in the record of the proceedings. The notification may also be undertaken by an expert (§ 115a paragraph 2). The age and situation of the witness shall in any event be taken into account for the notification. If the witness has not expressly waived his right to be released from his obligation to give evidence, his entire statement shall be null and void.

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§ 108<sup>1</sup>

1) The following shall be entitled to refuse to give evidence:

1. Persons, insofar as they would expose themselves or a relative (§ 107 paragraph 1, subparagraph 1) to the risk of criminal prosecution or, in connection with criminal proceedings against them, would expose themselves to the risk of incriminating themselves beyond their previous statement;
2. Defense counsel, attorneys at law, legal agents, auditors and patent attorneys, with regard to what has become known to them in this capacity;
3. Specialists in psychiatry and psychotherapy, non-medical psychotherapists, psychologists, probation officers, mediators in accordance with the Civil Mediation Act (Zivilrechts-Mediations-Gesetz) and employees from recognized establishments for psychosocial advice and care, with regard to what has become known to them in this capacity;
4. Media owners (publishers), media collaborators and employees of a media enterprise or media service with regard to questions relating to the identity of the author, sender or source of articles and documents or which refer to communications made to them in respect of their activity;
5. Persons entitled to vote, with regard to how they have exercised their right to vote, if this voting has been legally declared secret.

2) The following may refuse to answer individual questions:

1. Persons insofar as they would otherwise expose themselves or a relative (§ 107 paragraph 1, subparagraph 1) to disgrace or the risk of a direct and significant pecuniary disadvantage;
2. Persons who have been harmed or who could have been harmed in their sexual sphere by the criminal offense with which the person charged is accused, insofar as they would have to disclose details of the act the account of which they consider unreasonable;
3. Persons, insofar as they would have to disclose circumstances relating to their highly personal sphere of life or the highly personal sphere of life of another person.

3) The right of the persons listed in paragraph 1, subparagraphs 2 to 4, to refuse to give evidence shall not be permitted to be circumvented,

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<sup>1</sup> § 108 amended by LGBl. 2012 No. 26.

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or shall otherwise be null and void, in particular by seizing and confiscating documents and information stored on data carriers, which have been newly created through the fiduciary relationship or through the questioning of assistants or the persons participating for the purpose of training in the professional activity in accordance with paragraph 1, subparagraphs 2 to 4.

4) The persons listed in paragraph 2 can, despite refusing to give evidence, be obligated to give evidence if this is indispensable due to the special significance of their statement for the subject-matter of the proceedings.

5) Witnesses shall be advised of their right to refuse to give evidence in full or in part prior to being questioned or as soon as grounds for such a right become known. § 107 paragraph 4, second and third sentences shall apply *mutatis mutandis*. If a witness who has a right to refuse to give evidence in accordance with paragraph 1, subparagraphs 2 to 5 has not been informed thereof in a timely manner, the part of his evidence to which the right of refusal applies shall be null and void. The record of the proceedings drawn up shall to this extent be destroyed.

#### § 145

1) In the investigation the person charged shall be questioned by the investigating judge in the absence of the prosecutor or other persons not legally summoned for this purpose. Questioning shall as a rule be conducted orally, although in the case of complicated points the investigating judge may also permit a written response. Court witnesses shall only be called in for the questioning of the person charged if the investigating judge considers this necessary or the person charged so demands.

2) If an arrested person has been handcuffed, these handcuffs must be removed from him before he is questioned, provided this can be done without risk.

3) If he is not familiar with the German language, or if he is deaf or dumb, the provisions of §§ 116 and 117 shall be observed.

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## Title XIV

### **The trial**

#### § 205<sup>1</sup>

1) When rendering its judgement, the court shall take into account only what has been presented in the trial. Documents may serve as evidence only to the extent that they have been read out in the trial.

2) The court shall carefully and conscientiously assess the credibility and probative force of evidence both individually and in connection with each other. With respect to the question whether a fact shall be accepted as proven, the judges shall not decide in accordance with evidentiary rules under law, but rather in accordance with their own conviction gained from conscientious review of all evidence presented for and against.

3) When evaluating the testimony of a witness who has been permitted under § 119a not to answer certain questions, it shall be reviewed in particular whether the court and the parties have been given sufficient opportunity to assess the credibility of the witness and the probative force of his testimony.

## Title XVI

### **The execution of judgements**

#### § 238

1) All judicial decisions, orders and directions which are not judgments can unless there are statutory exceptions, be contested by means of objection to the Court of Appeal on account of unlawfulness or unreasonableness.

2) The decisions and orders by the adjudicating court preceding the rendering of the judgment at the final hearing can only be contested by the accused at the same time as the judgment.

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<sup>1</sup> § 205 amended by LGBl. 2004 No. 236.



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3) There shall be no further appeal against decisions of the Court of Appeal which do not allow an objection submitted to this court, unless the law substantiates an exception.

4) An objection may only be submitted to challenge the award concerning costs if the judgment is not contested on other grounds at the same time.

§ 240

1) The decisions of the Court of Appeal (Obergericht) may be appealed to the Supreme Court (Oberster Gerichtshof) in the following cases:

1. by the prosecutor and the accused, concerning the separation of individual criminal matters from proceedings to be conducted jointly, concerning the amount of the bail, and concerning the forfeiture of the bail;

1a. by the accused, against orders by which the complaint against the imposing or continuation of pre-trial detention is dismissed;

2. by the prosecutor, against orders by which an application for initiating an investigation, for ordering arrest, or for imposing or continuing pre-trial detention is dismissed, or by which it is ruled that the investigation be discontinued;

3. by anyone affected by a fine or coercive fine pursuant to §§ 52 and 96 (2);

4. in all other cases in which the appeal to the Supreme Court is not excluded and in which there are no confirming decisions in terms § 238 (3).

2) Where the Supreme Court decides on an appeal against an order of the Court of Appeal for the continuation of pre-trial detention (para. 1 (1a)), it shall only decide on the lawfulness of the challenged order, but not on the continuation of pre-trial detention; such an order shall not trigger the running of a maximum detention period.

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§ 253a<sup>1</sup>

1) In the case of offenses committed abroad, the Government may conclude an agreement with the State where the offense was committed with respect to the sharing of deprived, forfeited, or confiscated assets and may in particular include conditions in this agreement concerning the use of assets.

2) The Government shall be responsible for execution.

Title XXIV

**Proceedings for preventive measures, exclusion from voting rights, and forfeiture**

**III. Proceedings for deprivation of enrichment, forfeiture, and confiscation<sup>2</sup>**

§ 353<sup>3</sup>

1) The criminal judgement shall include a decision on the deprivation of enrichment, forfeiture, confiscation, and other financial orders under supplemental criminal legislation, to the extent this section or other laws do not provide otherwise.

2) If the results of the criminal proceedings do not suffice in themselves or upon conducting simple additional enquiries to form a reliable judgement on the financial orders referred to in paragraph 1, then this imposition may by ruling be reserved to a separate decision (§§ 356, 356a), and other than in that case such an order shall no longer be permissible regarding the assets or objects concerned.

3) The decision on financial orders shall, except in the case of § 356a, be equivalent to the imposition of the sentence and may be appealed to the advantage and to the disadvantage of the sentenced person or of other persons affected by the order (§ 354).

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<sup>1</sup> § 253a inserted by LGBl. 2000 No. 257.

<sup>2</sup> Heading preceding § 353 amended by LGBl. 1998 No. 174.

<sup>3</sup> § 353 amended by LGBl. 2000 No. 257.

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§ 354<sup>1</sup>

1) Persons who have a right to the assets or objects threatened by forfeiture or confiscation or assert such a right, who are liable for monetary penalties or the costs of the criminal proceedings, or who, without being accused or indicted themselves, are threatened with deprivation of enrichment, forfeiture, or confiscation, shall be summoned to the trial. In the trial and in the subsequent proceedings, they shall have the rights of the accused, to the extent that the proceedings concern the decision on these financial orders. If a summons has been served upon the affected persons, the proceedings may be conducted and decided even in their absence.

2) If the persons referred to in paragraph 1 assert their right only after entry into effect of the decision on forfeiture or confiscation, they shall be at liberty to assert their claims to the object or its purchase price (§ 253) within thirty years after the decision vis-à-vis the State by way of civil proceedings.

§ 355<sup>2</sup>

Repealed

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<sup>1</sup> § 354 amended by LGBl. 2000 No. 257.

<sup>2</sup> § 355 repealed by LGBl. 1998 No. 174.

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§ 356

1) If there are sufficient grounds for the assumption that the preconditions for deprivation of enrichment (§ 20 StGB), forfeiture (§ 20b StGB), or confiscation (§ 26 StGB) are given, without the possibility of deciding thereon in criminal proceedings or in proceedings aimed at placement in one of the institutions referred to in §§ 21 to 23 StGB, then the prosecutor shall file an independent application for the issue of such a financial order.<sup>1</sup>

2) The court that had or would have jurisdiction with respect to the hearings and judgement concerning the offence giving rise to the order shall, in independent proceedings after public oral hearings, decide on an application for deprivation of enrichment or forfeiture by way of a judgement. If the Criminal Court rendered judgement with respect to the offence that would give rise to the order, or reserved the decision (§ 353 paragraph 2), then its chairman shall be competent sitting as a single judge.<sup>2</sup>

3) The single judge shall, in independent proceedings after public oral hearings, decide on an application for confiscation, as a rule (§ 356a) by way of a judgement. The provisions on trials concerning punishable acts not punishable by a sentence of imprisonment of more than six months and § 354 shall apply *mutatis mutandis*.<sup>3</sup>

4) In application of the title on legal remedies *mutatis mutandis*, the judgement may be appealed to the advantage and to the disadvantage of the affected person; § 354 paragraph 1, sentence 3 shall apply *mutatis mutandis*.<sup>4</sup>

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1 § 356 paragraph 1 amended by LGBl. 2000 No. 257.

2 § 356 paragraph 2 amended by LGBl. 2011 No. 593.

3 § 356 paragraph 3 amended by LGBl. 2000 No. 257.

4 § 356 paragraph 4 amended by LGBl. 2000 No. 257.

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§ 356a<sup>1</sup>

1) The single judge may decide on an application for confiscation in independent proceedings after hearing the prosecutor and the affected person (§ 354) by ruling, if the value of the object threatened by confiscation does not exceed 2,000 francs or if possession of such object is prohibited in general. If the location of the affected person is abroad or if the location cannot be determined without special procedural effort, the person need not be heard.

2) The affected person and the prosecutor may appeal a ruling under paragraph 1 to the Court of Appeal. The appeal must be communicated to the opposing party with the notice that he may submit a response within fourteen days.

§ 357

If the preconditions for the independent proceedings arise only during trial, then the decision may also be issued as part of a judgement in which the accused is acquitted or the application for placement in an institution is rejected.

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<sup>1</sup> § 356a inserted by LGBl. 2000 No. 257.

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I hereby grant My consent to the following resolution adopted by Parliament:

**General Part**

## Section 1

**General provisions**

## § 1

*No penalty without a law*

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

2) A penalty more severe than the penalty provided at the time of commission may not be imposed. A preventive measure may be ordered only if that preventive measure or a penalty or preventive measure comparable in terms of kind was provided at the time of commission. Through the order of a preventive measure that is merely comparable in terms of kind, the perpetrator may not be subject to less favourable treatment than was permissible under the law in force at the time of the act.

## § 2

*Commission by omission*

If effecting a result is punishable by law, then it shall likewise be punishable if a person fails to avert the result though he is required to do so by the legal order pursuant to an obligation specifically applicable to him and the failure to avert the result must be deemed equivalent to bringing about the statutory elements of the offence by means of acting.

## § 3

*Self-defence*

1) A person shall not be deemed to act unlawfully if he is merely exercising the self-defence necessary to repel a present or immediately imminent, unlawful attack against life, health, physical integrity, liberty or assets of himself or another. The act shall not be deemed justified, however, if it is evident that the attacked person is only at risk of a minor disadvantage and if the defence is inappropriate, especially in light of the seriousness of the impairment of the attacker necessary to repel the attack.

2) Anyone who exceeds the justified degree of defence or makes use of an evidently inappropriate defence (paragraph 1) shall, if this occurs merely due to consternation, fear, or fright, be punishable only if the excess is due to negligence and the negligent act carries a penalty.

## § 4

*No penalty without culpability*

A person is culpable only if he acts culpably.

## § 5

*Intent*

1) A person shall be deemed to act wilfully if he desires to bring about the facts corresponding to the statutory elements of an offence; it shall thereby suffice if the perpetrator seriously believes such facts can be brought about and accepts that they will be brought about.

2) The perpetrator shall be deemed to act purposefully if it is important for him to bring about the circumstance or result for which the law requires purposeful action.

3) The perpetrator shall be deemed to act knowingly if he not merely believes the circumstance or result for which the law requires knowledge to be possible, but rather considers its existence or occurrence to be certain.

#### § 6

##### *Negligence*

1) Anyone shall be deemed to act negligently who fails to exercise the care that is required of him under the circumstances and that he is capable of given his mental and physical condition and that must be expected of him, and he therefore does not recognize that he might bring about facts corresponding to the statutory elements of an offence.

2) Anyone shall also be deemed to act negligently who believes it to be possible that he might bring about such facts, but does not want to bring them about.

#### § 7

##### *Punishability of wilful and negligent acts*

1) Where the law does not stipulate otherwise, only wilful acts shall be punishable.

2) A more severe penalty associated with a special consequence of the act shall apply to the perpetrator only if the perpetrator brought about that consequence at least negligently.

#### § 8

##### *Mistaken assumption of justificatory facts*

Anyone who mistakenly assumes facts that would exclude the unlawfulness of the act may not be punished for wilful commission. He shall be punished for negligent commission if the mistake is due to negligence and the negligent commission carries a penalty.

## § 9

*Mistake of law*

1) Anyone who does not recognise the wrongfulness of the act because of a mistake of law shall not be deemed to act culpably if he cannot be blamed for the mistake.

2) He shall be blamed for the mistake of law if the wrongfulness was as easily recognizable for the perpetrator as for anyone else or if the perpetrator did not acquaint himself with the relevant requirements, even though he would have been obliged to do so in light of his profession, occupation, or other circumstances.

3) Where he must be blamed for the mistake, the penalty provided for the wilful act shall apply if the perpetrator acts wilfully, and the penalty for the negligent act if the perpetrator acts negligently.

## § 10

*Exculpatory situation of necessity*

1) Anyone who commits an act carrying a penalty to avert an immediately imminent, substantial disadvantage to himself or another shall be exculpated if the damage threatened by the act is not disproportionately more severe than the disadvantage the act is meant to avert, and if a person in the perpetrator's situation who is committed to the legally protected values could not have been expected to behave otherwise.

2) The perpetrator shall not be exculpated if he consciously exposed himself to the danger without a reason recognized by the legal order. The perpetrator shall be punished for negligent commission if he mistakenly assumed the conditions under which he would have been exculpated for his action, and if that mistake was due to negligence and negligent commission carries a penalty.

§ 11<sup>1</sup>*Mental capacity*

Anyone who, at the time of the act, because of mental illness, a mental disability, profound consciousness disorder, or other severe psychic impairment equivalent to one of these conditions is incapable of realizing the wrongfulness of his act or of acting in accordance with that realization shall be deemed to not act culpably.

## § 12

*Treatment of all participants as perpetrators*

Not only the immediate perpetrator shall be deemed to commit the offence, but also every person who directs another to carry out the offence or who otherwise contributes to its being carried out.

## § 13

*Independent punishability of the participants*

If several persons participated in the act, each of the participants shall be punished in accordance with his culpability.

## § 14

*Characteristics and circumstances of the perpetrator*

1) If the law makes the punishability or the severity of the penalty dependent on special personal characteristics or circumstances of the perpetrator relating to the wrongfulness of the act, then the law shall be applied to all participants even if those characteristics or circumstances are the case for only one of them. If, however, the wrongfulness of the act depends on the person with the special personal characteristics or circumstances committing the act directly or otherwise participating in the act in a specific way, then that condition must additionally be met.

2) If, however, the special personal characteristics or circumstances relate solely to culpability, then the law shall be applied only to the participants with those characteristics or circumstances.

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<sup>1</sup> § 11 amended by LGBl. 2011 No. 184.

## § 15

*Punishability of attempt*

1) The penalties provided for wilful acts shall not only apply to a completed act, but also to an attempt and to any participation in an attempt.

2) The act shall be deemed attempted as soon as the perpetrator actuates his decision to carry out or direct another person to carry out (§ 12) the act by way of an action immediately preceding the carrying out of the act.

3) An attempt and participation in an attempt shall not be punishable if completion of the act was not possible under any circumstances, for lack of personal qualities or circumstances that the law requires the person acting to fulfil or given the type of the action or the type of the object against which the act was perpetrated.

## § 16

*Withdrawal from an attempt*

1) The perpetrator shall not be punished for an attempt or participation therein if he voluntarily abandons the carrying out or, if several persons are involved, prevents the carrying out or voluntarily averts the results thereof.

2) The perpetrator shall likewise not be liable if, without his intervention, the carrying out or the result does not occur, yet he is unaware of this and has made a voluntary and earnest effort to prevent the carrying out or avert the result.

## Section 2

**Classification of offences**

## § 17

*Classification of offences*

1) Wilful acts carrying a penalty of imprisonment for life or of more than three years shall be deemed crimes.

2) All other offences shall be deemed misdemeanours, to the extent not otherwise specified by supplementary criminal laws.

### Section 3

## **Penalties, deprivation of enrichment, forfeiture, and preventive measures<sup>1</sup>**

### § 18

#### *Penalties of imprisonment*

1) Penalties of imprisonment shall be imposed for life or for a specific length of time.

2) Time-limited penalties of imprisonment shall be at least one day and at most twenty years.

### § 19

#### *Monetary penalties*

1) Monetary penalties shall be assessed in daily rates. A monetary penalty shall amount to at least two daily rates.

2) The daily rate shall be assessed in accordance with the personal circumstances and economic ability of the offender at the time of the judgement in the first instance. The daily rate shall, however, be assessed at at least 10 francs and at most 1,000 francs.

3) If the monetary penalty cannot be collected, an alternative term of imprisonment shall be assessed. One day of the alternative term of imprisonment shall correspond to two daily rates.

4) Repealed<sup>2</sup>

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<sup>1</sup> Title preceding § 18 amended by LGBl. 2000 No. 256.

<sup>2</sup> § 19 paragraph 4 repealed by LGBl. 2000 No. 256.



## § 20

*Deprivation of enrichment*<sup>1</sup>

1) Anyone who

1. has committed an act carrying a penalty and has thereby gained pecuniary advantages, or
2. has received pecuniary advantages for the commission of an act carrying a penalty

shall be sentenced to pay an amount of money equal to the unjust enrichment obtained thereby. To the extent that the amount of enrichment cannot be determined or only with disproportionate effort, the court shall specify the amount to be deprived at its discretion.<sup>2</sup>

2) If

1. the perpetrator has continually or repeatedly committed crimes (§ 17) and obtained pecuniary advantages through or for their commission, and
2. he has received other pecuniary advantages during the time connected with the crimes committed, and it is reasonable to assume that such pecuniary advantages originate from other crimes of this kind, and their lawful origin cannot be credibly shown,

then these pecuniary advantages shall also be taken into account when specifying the amount to be deprived.<sup>3</sup>

3) A perpetrator who has gained pecuniary advantages during the time connected with his membership of a criminal organization (§ 278a) or a terrorist group (§ 278b) shall be sentenced to pay an amount of money specified at the court's discretion to be equal to the enrichment obtained, if it is reasonable to assume that such pecuniary advantages originate from offences and their lawful origin cannot be credibly shown.<sup>4</sup>

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<sup>1</sup> § 20 heading amended by LGBl. 2000 No. 256.

<sup>2</sup> § 20 paragraph 1 amended by LGBl. 2000 No. 256.

<sup>3</sup> § 20 paragraph 2 amended by LGBl. 2000 No. 256.

<sup>4</sup> § 20 paragraph 3 amended by LGBl. 2003 No. 236.

4) Anyone who has been enriched directly and unjustly through the act carrying a penalty of another person or through a pecuniary advantage paid for the commission of such act shall be sentenced to pay an amount of money equal to that enrichment. If a legal person or partnership has been enriched, then it shall be sentenced to pay this amount.<sup>1</sup>

5) If a directly enriched party is deceased or if a directly enriched legal person or partnership no longer exists, then the enrichment shall be deprived from the legal successor, to the extent that enrichment still existed at the time of legal succession.<sup>2</sup>

6) Several enriched parties shall be sentenced according to their share in the enrichment. If this share cannot be determined, then the court shall specify it at its discretion.<sup>3</sup>

#### § 20a<sup>4</sup>

##### *Exclusion of deprivation*

1) Deprivation shall be excluded to the extent that the enriched party has satisfied civil claims arising from the act or has undertaken to do so in enforceable form, or the enriched party has been sentenced or is simultaneously being sentenced to do so, or the enrichment has been eliminated by other legal measures.

2) Deprivation shall be refrained from

1. to the extent that the amount to be deprived or the prospects for collection are disproportionate to the procedural efforts necessary for the deprivation or collection, or
2. to the extent that payment of the amount of money would disproportionately impede the livelihood of the enriched party or would represent undue hardship for the enriched party, in particular because the enrichment no longer exists at the time of the order; other disadvantageous consequences arising from a sentence shall be taken into account.

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1 § 20 paragraph 4 amended by LGBl. 2000 No. 256.

2 § 20 paragraph 5 amended by LGBl. 2000 No. 256.

3 § 20 paragraph 6 amended by LGBl. 2000 No. 256.

4 § 20a amended by LGBl. 2000 No. 256.

## § 20b

*Forfeiture*<sup>1</sup>

1) Assets subject to the power of disposal of a criminal organization (§ 278a) or a terrorist group (§ 278b) or that have been made available or collected as a means of terrorist financing (§ 278d) shall be declared forfeited.<sup>2</sup>

2) Assets originating from an act carrying a penalty shall be declared forfeited to the extent that<sup>3</sup>

1. they are involved in a money laundering process, or<sup>4</sup>
2. the act which generated such assets,<sup>5</sup>
  - a) carries a penalty also under the laws of the place where the act was committed, but is not subject to Liechtenstein criminal laws in accordance with §§ 62 to 65 and<sup>6</sup>
  - b) does not constitute a fiscal offence, unless it is a misdemeanour as referred to in article 88 of the Value Added Tax Act associated with detriment to the budget of the European Communities.<sup>7</sup>

## § 20c

*Exclusion of forfeiture*<sup>8</sup>

1) Forfeiture shall be excluded to the extent that<sup>9</sup>

1. the assets concerned are subject to legal claims of persons who are not involved in the offence, the criminal organization, or the terrorist group, or<sup>10</sup>

<sup>1</sup> § 20b heading inserted by LGBl. 2000 No. 256.

<sup>2</sup> § 20b paragraph 1 amended by LGBl. 2003 No. 236.

<sup>3</sup> § 20b paragraph 2, introductory sentence amended by LGBl. 2009 No. 49.

<sup>4</sup> § 20b paragraph 2(1) amended by LGBl. 2009 No. 49.

<sup>5</sup> § 20b paragraph 2(2), introductory sentence amended by LGBl. 2009 No. 49.

<sup>6</sup> § 20b paragraph 2(2)(a) amended by LGBl. 2009 No. 49.

<sup>7</sup> § 20b paragraph 2(2)(b) amended by LGBl. 2009 No. 331.

<sup>8</sup> § 20c heading inserted by LGBl. 2000 No. 256.

<sup>9</sup> § 20c paragraph 1, introductory sentence inserted by LGBl. 2000 No. 256.

<sup>10</sup> § 20c paragraph 1(1) amended by LGBl. 2003 No. 236.

2. the purpose of forfeiture is attained by other legal measures, in particular to the extent that the unjust enrichment is deprived by foreign proceedings and the foreign decision can be enforced in Liechtenstein.<sup>1</sup>

2) Forfeiture shall be refrained from if it would be disproportionate to the importance of the matter or the procedural efforts.<sup>2</sup>

### § 21<sup>3</sup>

#### *Placement in an institution for mentally abnormal offenders*

1) If a person commits an act carrying a penalty of imprisonment of more than one year, and if the person cannot be punished solely because he committed the act under the influence of a condition excluding mental capacity (§ 11) based on a mental or emotional abnormality of a higher degree, then the court shall place him in an institution for mentally abnormal offenders if, in light of his personal qualities, his condition, and the kind of act, it must be feared that he otherwise would commit an act carrying a penalty with serious consequences under the influence of his mental or emotional abnormality.

2) If such a fear exists, then a person shall likewise be placed in an institution for mentally abnormal offenders who, without being mentally incapacitated, but under the influence of his mental or emotional abnormality of a higher degree, commits an act carrying a penalty of imprisonment of more than year. In such a case, the placement shall be ordered at the same time as the sentence is pronounced.

1 § 20c paragraph 1(2) inserted by LGBl. 2000 No. 256.

2 § 20c paragraph 2 inserted by LGBl. 2000 No. 256.

3 § 21 entered into force pursuant to LGBl. 1996 No. 200.

§ 22<sup>1</sup>*Placement in an institution for offenders in need of withdrawal*

1) A person who is addicted to the abuse of an intoxicant or narcotic and who is convicted of an act carrying a penalty committed while the person was intoxicated or otherwise in connection with his addiction or because he committed an act carrying a penalty in a state of complete intoxication (§ 287) shall be placed by the court in an institution for offenders in need of withdrawal if, in light of his person and the kind of act, it must be feared that he otherwise would commit an act carrying a penalty with serious consequences in connection with his addiction to intoxicants or narcotics or an act carrying a penalty with not merely minor consequences.

2) No placement shall be made if the offender has to serve more than two years in criminal detention, the conditions for his placement in an institution for mentally abnormal offenders are met, or the attempt at withdrawal appears pointless from the outset.

§ 23<sup>2</sup>*Placement in an institution for dangerous repeat offenders*

1) Where a person, after reaching the age of twenty-four, is sentenced to imprisonment of at least two years, then the court shall at the same time order his placement in an institution for dangerous repeat offenders

1. if the conviction was exclusively or predominantly for one or more wilfully committed offences against life and limb, against liberty, against assets of another with the use or threat of force against a person, against sexual self-determination or for other sexual offences, against the provisions of narcotics legislation, or for one or more wilfully committed offences dangerous to public safety,<sup>3</sup>
2. if he has already twice been sentenced to terms of imprisonment of more than six months each exclusively or predominantly for acts of the kind referred to in point 1, and for that reason has spent at least eighteen months in criminal detention before committing the acts for which he has now been sentenced, but after his eighteenth birthday, and
3. if it must be feared that, in light of his tendency to commit offences of the kind referred to in paragraph 1 or because he tends to earn his

<sup>1</sup> § 22 entered into force pursuant to LGBl. 1996 No. 200.

<sup>2</sup> § 23 entered into force pursuant to LGBl. 1996 No. 200.

<sup>3</sup> § 23 paragraph 1(1) amended by LGBl. 2006 No. 100.

living predominantly through such offences, he would otherwise continue to commit such offences with serious consequences.

2) No placement shall be made if the conditions for placement of the offender in an institution for mentally abnormal offenders are met.

3) Custody in an institution for mentally abnormal offenders in accordance with § 21 paragraph 2 or in an institution for offenders in need of withdrawal shall be deemed equivalent to criminal detention (paragraph 1(2)) to the extent that the duration of custody shall be counted toward the sentence.

4) An earlier sentence shall not be considered if more than five years passed from the time it was served until the following act. During that time period, time shall not be counted that the convicted person was in custody pursuant to official orders. If the sentence was served only by counting provisional detention, the time period shall commence only once the judgement becomes final.

5) Foreign convictions shall be taken into account if the conditions under § 73 are met and it is likely that the perpetrator would have been sentenced by a domestic court to imprisonment of more than six months and would have spent time in criminal detention necessary to meet the conditions set out in paragraph 1(2).

#### § 24

##### *Sequence in which sentences of imprisonment and preventive measures involving deprivation of liberty are served*

1) A term of placement in an institution for mentally abnormal offenders or in an institution for offenders in need of withdrawal shall be served before a sentence of imprisonment. The period of custody shall be counted toward the sentence. If the placement is lifted before the term of the sentence has come to an end, the perpetrator shall be transferred to criminal detention, unless the remainder of the sentence has been suspended or remitted.

2) A term of placement in an institution for dangerous repeat offenders shall be served after a sentence of imprisonment. Before transferring the offender to the institution for dangerous repeat offenders, the court shall review *ex officio* whether placement is still necessary.

## § 25

*Duration of preventive measures involving deprivation of liberty*

1) Preventive measures shall be ordered for an indefinite period of time. They shall be enforced as long as their purpose requires. However, placement in an institution for offenders in need of withdrawal may not last longer than two years, and placement in an institution for dangerous repeat offenders may not last longer than ten years.

2) The court shall decide on the lifting of preventive measures.

3) At least every year, the court shall review *ex officio* whether placement in an institution for mentally abnormal offenders or in an institution for dangerous repeat offenders is still necessary.

4) At least every six months, the court shall review *ex officio* whether placement in an institution for offenders in need of withdrawal is still necessary.

## § 26

*Confiscation*

1) Objects which the perpetrator used to commit the act carrying a penalty, or which he designated for use in the commission of the act, or which have arisen from this act shall be confiscated if these objects endanger the safety of persons, morality, or the public order.<sup>1</sup>

2) Confiscation shall be refrained from if the entitled party eliminates the particular nature of the objects, especially by removing components or markings that facilitate the commission of acts carrying a penalty or by rendering them unusable. Objects subject to legal claims of a person not involved in the offence may only be confiscated if the person concerned does not guarantee that the objects will not be used for the commission of offence.<sup>2</sup>

3) If the preconditions for confiscation are met, then the objects shall also be confiscated if no particular person can be prosecuted or convicted for the act carrying a penalty.

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<sup>1</sup> § 26 paragraph 1 amended by LGBl. 2009 No. 49.

<sup>2</sup> § 26 paragraph 2 amended by LGBl. 2000 No. 256.

## § 27

*Loss of office and other legal consequences of conviction*

1) An official sentenced by a domestic court to a imprisonment of more than one year for one or more wilfully committed offences shall be stripped of his office.

2) Where a law provides that a criminal conviction has a legal consequence other than the legal consequence referred to in paragraph 1, the legal consequence shall end after five years, if not stipulated otherwise and to the extent it does not consist in the loss of special rights arising from an election, award, or appointment. The time period shall commence as soon as the sentence has been enforced and preventive measures have been executed or have ceased; if the sentence was served only by counting provisional detention, the time period shall commence once the judgement becomes final.

## § 28

*Coinciding offences*

1) If a person, by carrying out an act or several independent acts, has committed multiple offences of the same or different kinds, and if these offences are adjudicated at the same time, then a single penalty of imprisonment or monetary penalty shall be imposed where the coinciding laws provide only penalties of imprisonment or only monetary penalties. This penalty shall be determined in accordance with the law providing the highest penalty. Apart from extraordinary mitigation of the penalty, however, no lesser penalty than the highest of the minimum penalties provided in the coinciding laws may be imposed.

2) If one of the coinciding laws provides a penalty of imprisonment, while another law provides a monetary penalty, or also if only one of the laws provides concurrent penalties of imprisonment and monetary penalties, then both a penalty of imprisonment and a monetary penalty shall be imposed where both penalties are mandatory. Where one of the penalties is not mandatory, it may be imposed. The same shall apply to penalties of another kind that are provided apart from a penalty of imprisonment or a monetary penalty. Paragraph 1 shall apply to determination of the penalty of imprisonment and the monetary penalty.

3) If, pursuant to paragraph 2, a penalty of imprisonment and a monetary penalty would have to be imposed, then the penalty shall be a monetary penalty in accordance with paragraph 1 where a monetary penalty is to be imposed instead of a monetary penalty (§ 37).



4) Preventive measures shall be ordered if one or more of the acts carrying a penalty that are adjudicated at the same time meet the conditions for such measures.

#### § 29

##### *Cumulation of values and damages*

If the amount of the penalty provided depends on the value of an object against which the act is directed or on the damage caused thereby or which the perpetrator intends to cause, then, where the perpetrator has committed several acts of the same kind, the total amount of the values or damages shall be used.

#### § 30

##### *Impermissibility of repeated increase of the maximum penalty provided by law*

Exceeding the maximum penalty provided by law by half shall be permissible only once, even if different reasons permitting the maximum penalty to be exceeded (§§ 39, 313) coincide.

#### § 31

##### *Penalty for subsequent conviction*

1) If a person who has already been sentenced is sentenced for another act which, according to the time it was committed, could have been adjudicated in the earlier proceedings, then an additional penalty shall be imposed. This additional penalty may not exceed the maximum penalty that is provided for the act now under adjudication. The sum of the penalties may not exceed the penalty which would be permissible under the sentencing rules for coinciding offences and under the rules on cumulation of values and damages.

2) Even if the conditions set out in § 73 are not met, a previous foreign conviction shall be deemed equivalent to a previous domestic conviction.

§ 31a<sup>1</sup>*Subsequent mitigation of the penalty, the deprivation of enrichment, and the forfeiture*

1) If circumstances subsequently arise or become known which would have resulted in less severe sentencing, the court shall mitigate the penalty as appropriate.

2) If the personal situation or the economic ability of a person sentenced to a monetary penalty subsequently worsens to more than an insignificant degree, the court shall reassess the daily rate with respect to the outstanding monetary penalty within the limits set out in § 19 paragraph 2, unless the sentenced person has wilfully brought about the worsening, even if only by refraining from a reasonable occupation.

3) If a person sentenced to deprivation of enrichment subsequently satisfies civil claims arising from the act or if other circumstances arise which, if they had existed at the time of the judgement, would not have resulted in imposition of deprivation of enrichment or only of payment of a lesser amount, then the court shall modify the decision accordingly. The same procedure shall apply if such circumstances subsequently become known.

4) If circumstances subsequently arise or become known which, if they had existed at the time of the judgement, would not have resulted in imposition of forfeiture or only of forfeiture of lesser assets, then the court shall modify the decision accordingly.

## Section 4 Sentencing

## § 32

*General principles*

1) The culpability of the perpetrator shall be the basis for sentencing.

2) When sentencing, the court shall weigh the aggravating and mitigating causes, to the extent they do not already determine the penalty provided, and also take account of effects of the penalty and other expected consequences of the act on the future life of the

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<sup>1</sup> § 31a inserted by LGBl. 2000 No. 256.

perpetrator in society. It shall especially be taken into account to what extent the act is due to a negative or indifferent attitude of the perpetrator toward legally protected values and to what extent it is due to external circumstances or motives that might also make the act suggest itself to a person who is committed to the legally protected values.<sup>1</sup>

3) In general, sentencing shall be more severe the greater the detriment or endangerment is which was the fault of the perpetrator, or which he may not have brought about himself, but to which his fault extended, the more duties he has breached through his action, the more thoroughly he considered the act, the more carefully he prepared it, or the more ruthlessly he carried it out, and the less care could be taken against the act.

### § 33

#### *Special aggravating causes*

It shall in particular be an aggravating cause if the perpetrator:

1. has committed several offences of the same or different kinds or continued the offence for an extended period of time;
2. has already been convicted of an act arising from the same harmful inclination;
3. induced another person to commit the offence;
4. was the author or instigator of an offence committed by several persons or participated in such an act in a leading capacity;
5. acted for racist, xenophobic, or other especially reprehensible motives;<sup>2</sup>
6. acted treacherously, cruelly, or in manner inflicting agony on the victim;
7. when committing the act, exploited the defencelessness or helplessness of another;
8. committed the act as part of a criminal group;<sup>3</sup>
9. committed an offence in conscious and deliberate coordination with another person.<sup>4</sup>

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<sup>1</sup> § 32 paragraph 2 amended by LGBl. 2006 No. 100.

<sup>2</sup> § 33(5) amended by LGBl. 2000 No. 36.

<sup>3</sup> § 33(8) inserted by LGBl. 2011 No. 184.

<sup>4</sup> § 33(9) inserted by LGBl. 2011 No. 184.

## § 34

*Special mitigating causes*

1) It shall in particular be a mitigating cause if the perpetrator:

1. committed the act after reaching the age of eighteen, but before the age of twenty-one, or if he committed the act under the influence of an abnormal mental state, if he is feeble-minded, or if his upbringing was very much neglected;<sup>1</sup>
2. has so far led a normal life and the act is strikingly contrary to his behaviour otherwise;
3. committed the act for commendable motives;
4. committed the act under the influence of a third party or due to fear or obedience;
5. made himself liable only because he failed to avert the result in a case where the law provides a penalty for bringing about the result;
6. participated only in a subordinate way in one of several offences committed;
7. committed the act only out of rashness;
8. committed the act only by letting himself be carried away by a generally understandable extreme emotion;
9. committed the act enticed more by an especially tempting opportunity rather than with prior purpose;
10. was caused to commit the act in light of severe hardship not due to aversion to work;
11. committed the act under circumstances approaching exclusion of culpability or justification;
12. committed the act under a mistake of law not excluding culpability (§ 9), especially if he is being punished for wilful commission of the act;
13. did not bring about any damage, despite completion of the act, or if the act was only attempted;
14. voluntarily refrained from causing greater damage, although he would have had the opportunity to do so, or if the damage was rectified by the perpetrator or a third party on his behalf;
15. seriously endeavoured to rectify the damage caused or to prevent other negative consequences;

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<sup>1</sup> § 34 paragraph 1(1) amended by LGBl. 2006 No. 100.

16. turned himself in, although he easily could have escaped or it was probable that he would remain undiscovered;
17. made a remorseful confession or, though his statement, contributed substantially to establishing the truth;
18. committed the act already some time ago and has since shown good behaviour;
19. is affected by the fact that he or someone personally close to him has suffered a considerable bodily injury or damage to health or other grave actual or legal disadvantages due to the act or as a consequence thereof.<sup>1</sup>

2) It shall also be a mitigating cause if the duration of the proceedings conducted against the perpetrator was disproportionately long for reasons not due to the perpetrator or his defence counsel.<sup>2</sup>

### § 35

#### *Intoxication*

Where the perpetrator acted in a state of intoxication that does not exclude mental capacity, this shall be considered a mitigating factor only to the extent that the reduction of mental capacity caused thereby is not offset by the accusation arising from the enjoyment or use of the intoxicant in light of the circumstances.

### § 36<sup>3</sup>

#### *Sentences of imprisonment for persons under the age of twenty-one*

Penalties of imprisonment that are more severe than twenty years may not be imposed on a person who, at the time of the act, had not yet reached the age of twenty-one. A penalty of imprisonment of five to twenty years shall be imposed in lieu of a penalty of imprisonment for life or a penalty of imprisonment of ten to twenty years or for life. A minimum penalty exceeding imprisonment of one year shall be reduced to one year, and a minimum penalty of one year shall be reduced to six months. However, to the extent no penalty more severe than imprisonment of five years is provided, no minimum penalty shall apply.

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<sup>1</sup> § 34 paragraph 1(19) inserted by LGBl. 2006 No. 100.

<sup>2</sup> § 34 paragraph 2 inserted by LGBl. 2006 No. 100.

<sup>3</sup> § 36 amended by LGBl. 2006 No. 100.

## § 37

*Imposition of monetary penalties instead of penalties of imprisonment*

1) If no penalty more severe than imprisonment of up to five years is provided for an act, even if combined with a monetary penalty, then a monetary penalty of not more than 360 daily rates shall nonetheless be imposed in lieu of a penalty of imprisonment of not more than six months, if no sentence of imprisonment is needed to prevent the perpetrator from committing further offences or to deter others from committing offences.

2) If a penalty of imprisonment more severe than referred to in paragraph 1 is provided for an act, but no more severe than imprisonment of ten years, even if combined with a monetary penalty, then imposition of a monetary penalty of not more than 360 daily rates in lieu of a penalty of imprisonment of not more than six months shall be permissible only if no sentence of imprisonment is needed to prevent the perpetrator from committing further offences, and the imposition of a monetary penalty suffices to deter others from committing offences in light of particular reasons, for instance because the circumstances of the case approach circumstances that would justify or excuse the act.

## § 38

*Taking account of provisional detention*

1) Administrative and judicial custody as well as pre-trial detention shall be counted toward penalties of imprisonment and monetary penalties if the perpetrator was in detention

1. in proceedings regarding the act for which he is being punished, or
2. otherwise after commission of that act on suspicion of an act carrying a penalty,

and in both cases only to the extent that the detention was not already counted toward a different sentence or the detainee was already compensated for the detention.

2) When counting the provisional detention toward a monetary penalty, the alternative term of imprisonment shall be used.

## § 39

*Increase of penalty in the event of repeat act<sup>1</sup>*

1) If the perpetrator has already been sentenced twice to imprisonment for acts arising from the same harmful inclination, and he has served these sentences at least in part, even if only by counting provisional detention or the deprivation of liberty associated with a preventive measure, then, in the event he again commits an offence arising from the same harmful inclination after his eighteenth birthday, the maximum penalty of imprisonment or monetary penalty provided may be exceeded by half. But the time-limited sentence of imprisonment may not exceed a duration of 20 years.

2) An earlier sentence shall not be considered if more than five years passed from the time it was served until the following act. During that time period, time shall not be counted during which the convicted person was in custody pursuant to official orders. If the sentence was served only by counting provisional detention, the time period shall commence only once the judgement becomes final.

## § 40

*Sentencing for subsequent conviction*

In the event of subsequent conviction, the additional penalty shall be determined within the limits set out in § 31 so that the sum of the penalties corresponds to the penalty that would have been imposed if adjudication had occurred at the same time. Where no higher penalty would be imposed than the penalty imposed in the earlier judgement if adjudication had occurred at the same time, no additional penalty shall be imposed.

## § 41

*Extraordinary mitigation of the penalty*

1) If the mitigating causes considerably outweigh the aggravating causes and if there is a well-founded prospect that the perpetrator will not commit any further offences even if a penalty less than the minimum penalty of imprisonment provided by law is imposed, then the following penalties may be imposed:

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<sup>1</sup> § 39 heading amended by LGBl. 2006 No. 100.

1. if the act carries a penalty of imprisonment for life or a penalty of imprisonment of ten to twenty years or for life, a penalty of imprisonment of not less than one year;
2. if the act does not carry a penalty of imprisonment for life, but it does carry a penalty of imprisonment of at least ten years, a penalty of imprisonment of not less than six months;
3. if the act carries a penalty of imprisonment of at least five years, a penalty of imprisonment of not less than three months;
4. if the act carries a penalty of imprisonment of at least one year, a penalty of imprisonment of not less than one month;
5. if the act carries a lesser penalty of imprisonment, a penalty of imprisonment of at least one day.

2) Under the conditions set out in paragraph 1(3) and (4), the penalty imposed must nevertheless be imprisonment of at least six months if the act resulted in the death of a person (§ 7 paragraph 2), even where that circumstance determines the penalty provided.

#### § 42<sup>1</sup>

##### *Insufficient punishability of the act*

Where an act to be prosecuted *ex officio* carries only a monetary penalty, a penalty of imprisonment not exceeding three years, or such a penalty of imprisonment and a monetary penalty, the act shall not be punishable if

1. the culpability of the perpetrator is minor,
2. the act entailed no or only insignificant consequences or, insofar as the perpetrator at least made an earnest effort to that effect, the consequences of the act were largely eliminated, rectified, or otherwise compensated, and
3. punishment is not necessary to prevent the perpetrator from committing offences or to deter others from committing offences.

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<sup>1</sup> § 42 amended by LGBl. 2006 No. 100.



## Section 5

**Suspended sentence and conditional release  
Instructions and probation assistance**

## § 43

*Suspended sentence*

1) Where an offender is sentenced to a term of imprisonment not exceeding two years or to a monetary penalty, the court shall suspend the sentence and determine a probationary period of at least one and at most three years if it is likely that the mere threat of enforcement alone or in conjunction with other measures will suffice to prevent the perpetrator from committing further offences, and enforcement of the sentence is not needed to deter others from committing offences. In this regard, especially the kind of act, the personal qualities of the offender, the degree of his culpability, his previous conduct, and his conduct after the act shall be taken into account. A suspended sentence shall be ruled out, however, if the offence carries a penalty of imprisonment for life or a penalty of imprisonment of at least ten years.<sup>1</sup>

2) Repealed<sup>2</sup>

3) If the suspension is not revoked, the sentence shall be deemed remitted. Any time periods commencing as soon as the sentence has been enforced shall, in such cases, be calculated from the time the judgement becomes final.

§ 43a<sup>3</sup>*Partial suspension of a sentence*

1) If the sentence is a monetary penalty and if the conditions set out in § 43 apply to part of the sentence, then the court shall suspend that part of the sentence.

2) If the sentence would be a term of imprisonment of more than six months but not more than two years, and if the conditions for suspension of the entire sentence are not met, then a monetary penalty

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<sup>1</sup> § 43 paragraph 1 amended by LGBl. 2006 No. 100.

<sup>2</sup> § 43 paragraph 2 repealed by LGBl. 2006 No. 100.

<sup>3</sup> § 43a inserted by LGBl. 2006 No. 100.

of up to 360 daily rates shall be imposed in lieu of part of the sentence of imprisonment, where in light thereof the remaining part of the sentence of imprisonment can be suspended in accordance with § 43.

3) If the sentence is a term of imprisonment of more than six months but not more than two years and, especially in light of prior convictions of the offender, neither the entire sentence can be suspended nor paragraph 2 can be applied, then part of the sentence shall be suspended under the conditions set out in § 43. The part of the sentence that is not suspended must be at least one month and may not be more than one third of the sentence.

4) If the sentence is a term of imprisonment of more than two but not more than three years, and if there is a high probability that the offender will not commit any further offences, then part of the sentence shall be suspended under the conditions set out in § 43. The last sentence of paragraph 3 shall apply.

5) Suspension of part of the sentence shall be ruled out if the offence carries a penalty of imprisonment for life or a penalty of imprisonment of at least ten years.

#### § 44

##### *Suspension where several penalties coincide*

1) If a penalty of imprisonment and a monetary penalty are imposed concurrently, then both sentences shall be suspended where the conditions are met. If it is likely that enforcement of one of these sentences or part of a sentence will suffice, §§ 43 and 43a may be applied to each of the two sentences.<sup>1</sup>

2) Ancillary sentences and legal consequences of a conviction may be suspended independently of the main sentence.<sup>2</sup>

#### § 45

##### *Suspension of preventive measures*

1) Placement in an institution for offenders in need of withdrawal may be suspended only at the same time as the sentence and only if it is likely that the mere threat of placement in conjunction with one or more

<sup>1</sup> § 44 paragraph 1 amended by LGBl. 2006 No. 100.

<sup>2</sup> § 44 paragraph 2 amended by LGBl. 2000 No. 256.

of the measures provided in §§ 50 to 52 will suffice to overcome the offender's addiction to intoxicants or narcotics. The probationary period determined for a suspended sentence shall apply also to suspension of placement in an institution for offenders in need of withdrawal. § 43 paragraph 3 shall apply *mutatis mutandis*.

2) Suspension of other preventive measures shall not be permissible.

#### § 46<sup>1</sup>

##### *Conditional release from imprisonment*

1) Where an offender has served half of the time-limited sentence of imprisonment imposed in the judgement or by way of a pardon, but at least three months thereof, then the remainder of the sentence shall be suspended and a probationary period determined, if it is likely that enforcement of the remainder of the sentence is not needed to prevent the offender from committing further offences.

2) Where an offender has served two thirds of the time-limited sentence of imprisonment imposed in the judgement or by way of a pardon, but at least three months thereof, then the remainder of the sentence shall be suspended and a probationary period determined, unless particular reasons give rise to the fear that the offender would commit further offences if released.

3) If the penalty of imprisonment has been imposed for an act committed before reaching the age of twenty-one, then the minimum time that must be served (paragraphs 1 and 2) shall be one month.

4) Every decision on conditional release must take into account the personal qualities of the offender, his previous conduct, his prospects for an honest living, his behaviour during enforcement, and whether, for particular reasons, enforcement of the remainder of the sentence is needed to deter others from committing offences. As necessary, conditional release shall be granted only in conjunction with other measures.

5) Where an offender is serving several sentences of imprisonment, their total duration shall be decisive, insofar as they are served immediately consecutively or are interrupted only by times when the offender is otherwise in custody pursuant to official orders. Parts of a sentence not suspended in accordance with § 43a paragraphs 3 and 4

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<sup>1</sup> § 46 amended by LGBL 2006 No. 100.

shall not be considered, however. Conditional release from such a part of a sentence shall be ruled out.

6) An offender sentenced to imprisonment for life may not be granted conditional release before he has served fifteen years. Where this condition applies, he shall nevertheless be granted conditional release only if, in light of his personal qualities, his previous conduct, his prospects for an honest living, and his behaviour during enforcement, it is likely that he will not commit any further offences if released and, despite the gravity of the act, no further enforcement is needed to deter others from committing offences.

#### § 47

##### *Release from a preventive measure involving deprivation of liberty*

1) Persons placed in an institution for mentally abnormal offenders shall be granted conditional release always only subject to a probationary period. Persons placed in an institution for offenders in need of withdrawal and persons placed in an institution for dangerous repeat offenders shall be granted unconditional release once the time of custody (§ 25 paragraph 1) has expired or, in the case of custody in an institution for offenders in need of withdrawal, continuation or supplementation of the withdrawal treatment would not likely be successful, otherwise only conditional release shall be granted and a probationary period determined.

2) Conditional release from a preventive measure involving deprivation of liberty shall be ordered if, in light of the conduct and the development of the person placed in the institution, his personal qualities, his state of health, his previous conduct, and his prospects for an honest living, it is likely that the danger the preventive measure was meant to contain no longer exists.

3) If the offender is granted conditional or unconditional release from an institution for mentally abnormal offenders or from an institution for offenders in need of withdrawal before the criminal sentence has expired, the last sentence of § 24 paragraph 1 shall apply.

4) A decision that transfer of the offender to an institution for dangerous repeat offenders is no longer necessary (§24 paragraph 2) shall be deemed equivalent to conditional release from the institution for dangerous repeat offenders.

## § 48

*Probationary periods*

1) The probationary period after conditional release from a term of imprisonment shall be at least one year and at most three years. If the suspended remainder of the sentence exceeds three years, or if the conditional release from a term of imprisonment of more than one year is for an offence against sexual self-determination or other sexual offences, then the probationary period shall be five years. In the case of conditional release from a term of imprisonment for life, the probationary period shall be ten years.<sup>1</sup>

2) The probationary period after release from an institution for mentally abnormal offenders and from an institution for dangerous repeat offenders shall be ten years, but if the offence underlying the placement carries a penalty no more severe than imprisonment of ten years, then the probationary period shall be only five years. In the case of release from an institution for offenders in need of withdrawal, the probationary period shall be at least one year and at most five years.<sup>2</sup>

3) If the suspension 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. Any time periods commencing as soon as the sentence has been enforced or the preventive measure has been executed shall, in such cases, be calculated from the time of conditional release from the sentence or preventive measure.

## § 49

*Calculation of probationary periods*

The probationary period shall commence once the decision becomes final by which the suspension (§§ 43 to 45) or conditional release (§§ 46 and 47) has been granted. Times during which the convicted person was in custody pursuant to official orders shall not be included in the probationary period.

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<sup>1</sup> § 48 paragraph 1 amended by LGBl. 2011 No. 184.

<sup>2</sup> § 48 paragraph 2 amended by LGBl. 2006 No. 100.

## § 50

*Issuing of instructions and ordering of probation assistance<sup>1</sup>*

1) If an offender's sentence has been suspended or if he is granted conditional release from a term of imprisonment or a preventive measure involving deprivation of liberty, then the court shall issue instructions to him or order probation assistance, to the extent necessary or useful to prevent the offender from committing further acts carrying a penalty. Probation assistance shall always be ordered if a convicted person is granted conditional release from a term of imprisonment for an offence against sexual self-determination or other sexual offences. If an offender is granted conditional release for an act committed before reaching the age of twenty-one, probation assistance shall always be ordered, unless, in light of the kind of act, the personal qualities of the offender, and his previous conduct, it is likely that he will not commit any further offences even without such an order. Where the court orders probation assistance, the head of the secretariat shall appoint a probation officer and notify him to the court.<sup>2</sup>

2) Paragraph 1 shall apply *mutatis mutandis* if the pronouncement of a sentence is subject to a probationary period (§ 8 of the Juvenile Court Act) or if enforcement of a sentence of imprisonment imposed for an act committed before reaching the age of twenty-one is deferred for a duration of more than three months in accordance with article 7, paragraph 3 of the Enforcement of Sentences Act or § 33 of the Juvenile Court Act.<sup>3</sup>

3) Instructions as well as orders of probation assistance shall be valid for the duration of the time period determined by the court, but at the most until the end of the probationary period, to the extent they are not lifted or rendered moot beforehand.<sup>4</sup>

## § 51

*Instructions*

1) Instructions may be commands and prohibitions, compliance with which appears likely to prevent the offender from committing further acts carrying a penalty. Instructions that would constitute an

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<sup>1</sup> § 50 heading amended by LGBl. 2006 No. 100.

<sup>2</sup> § 50 paragraph 1 amended by LGBl. 2011 No. 184.

<sup>3</sup> § 50 paragraph 2 amended by LGBl. 2006 No. 100.

<sup>4</sup> § 50 paragraph 3 amended by LGBl. 2006 No. 100.

unreasonable intervention in the offender's personal rights or conduct of life shall be impermissible.

2) In particular, the offender may be required to live in a particular place, with a particular family, or in a particular home, to avoid a particular abode, particular places, or particular dealings, to refrain from alcoholic beverages, to learn or practice a suitable profession as appropriate as possible to his knowledge, skills, and inclinations, to report every change of his place of stay or workplace, and to report to the court or to another institution at certain intervals. The offender may also be required to rectify the damage arising from his act to the best of his ability, if this has an influence on whether enforcement of the sentence is needed to deter others from committing offences.

3) With his consent, the offender may also be instructed under the conditions set out in paragraph 1 to undergo withdrawal treatment, psychotherapeutic treatment, or other medical treatment. The instruction to undergo medical treatment involving a surgical procedure may, however, not be issued even with the consent of the offender.

4) During the probationary period, the court shall also subsequently issue instructions or amend or lift instructions already issued, to the extent doing so appears necessary pursuant to § 50.

## § 52

### *Probation assistance*<sup>1</sup>

1) The probation officer shall endeavour with words and deeds to help the offender find his way to a conduct of life and attitude that are able to prevent him from committing acts carrying a penalty in future. To the extent necessary for that purpose, the probation officer shall assist him in an appropriate way in his efforts to meet essential daily needs, especially to find housing and work.<sup>2</sup>

2) The probation officer shall report on his activities and observations to the court,<sup>3</sup>

1. to the extent demanded by the court or to the extent necessary or useful to achieve the purpose of probation assistance,<sup>4</sup>
2. if there are grounds to lift probation assistance,<sup>1</sup>

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<sup>1</sup> § 52 heading amended by LGBl. 2006 No. 100.

<sup>2</sup> § 52 paragraph 1 amended by LGBl. 2006 No. 100.

<sup>3</sup> § 52 paragraph 2, introductory sentence amended by LGBl. 2006 No. 100.

<sup>4</sup> § 52 paragraph 2(1) amended by LGBl. 2006 No. 100.

3. in all cases, however, six months after probation assistance has been ordered and when it comes to an end,<sup>2</sup>
4. during court supervision (§ 52a paragraph 2).<sup>3</sup>

3) During the probationary period, the court shall also subsequently order probation assistance or lift it, to the extent doing so appears necessary pursuant to § 50.<sup>4</sup>

#### § 52a<sup>5</sup>

##### *Court supervision of sexual offenders and sexually motivated violent offenders*

1) If conditional release is granted to an offender who has been sentenced to a term of imprisonment or against whom a preventive measure involving deprivation of liberty has been ordered for an offence

1. against sexual self-determination or for other sexual offences, or
2. against life and limb or liberty, if that offence was committed to arouse or gratify himself sexually,

then he shall be placed under court supervision for the duration of the probationary period, to the extent monitoring of the behaviour of the offender (paragraph 2), especially in regard to compliance with an instruction in accordance with § 51 paragraph 3 or an instruction not to engage in certain activities, appears necessary or useful to prevent him from committing further such acts carrying a penalty.

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<sup>1</sup> § 52 paragraph 2(2) amended by LGBl. 2006 No. 100.

<sup>2</sup> § 52 paragraph 2(3) amended by LGBl. 2006 No. 100.

<sup>3</sup> § 52 paragraph 2(4) inserted by LGBl. 2011 No. 184.

<sup>4</sup> § 52 paragraph 3 amended by LGBl. 2006 No. 100.

<sup>5</sup> § 52a inserted by LGBl. 2011 No. 184.



2) During the court supervision, the court shall monitor the behaviour of the offender and compliance with the instructions, with the help of probation assistance, and in appropriate cases with the involvement of the National Police, child and youth welfare services, or other appropriate institutions. The institutions entrusted with monitoring shall report to the court on the measures taken by them and on their observations. The probation officer shall report to the court upon the order of court supervision, to the extent demanded by the court or to the extent necessary or useful, and in any event at least every three months during the first half of the court supervision and at least every six months during the second half.

### § 53

#### *Revocation of suspension of a sentence and of conditional release from a term of imprisonment*

1) Where an offender is convicted for an offence committed during the probationary period, the court shall revoke suspension of a sentence or conditional release from a term of imprisonment and have the sentence, the part of the sentence, or the remainder of the sentence enforced, if, in addition to the new conviction, doing so appears necessary in light of the new conviction to prevent the offender from committing further offences. An offence committed by the offender during the time between the decision in the first instance and the time the decision on granting of suspension of a sentence or of conditional release becomes final or during official custody not counted toward the probationary period (§ 49) shall be deemed equivalent to an offence committed during the probationary period.<sup>1</sup>

2) Where, in the case of paragraph 1, suspension of a sentence or release is not revoked, the court may extend the probationary period to at most five years, if its determined duration was shorter. At the same time, the court shall consider whether and which instructions should be reissued and whether a probation officer should be appointed, if none has been appointed so far.

3) If, during the time period determined by the court, the offender wantonly fails to comply with an instruction despite a formal warning or persistently escapes from the influence of the probation officer, the court shall revoke the suspension of the sentence or the conditional release

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<sup>1</sup> § 53 paragraph 1 amended by LGBl. 2006 No. 100.

and shall have the sentence or the remainder of the sentence enforced, if this appears necessary in light of the circumstances to prevent the offender from committing offences.<sup>1</sup>

4) If, toward the end of the original or extended probationary period after conditional release from a term of imprisonment for life or from a term of imprisonment of more than five years for an offence against sexual self-determination or other sexual offences, there are other particular reasons to believe that the offender requires further probation, the court may extend the probationary period by at most three years. A further extension shall be permissible.<sup>2</sup>

#### § 54

##### *Revocation of suspension of a preventive measure and of conditional release from a preventive measure*

1) A suspension of placement in an institution for offenders in need of withdrawal and of conditional release from an institution referred to in §§ 21 to 23 shall be revoked under the conditions set out in § 53, if the circumstances referred to there indicate that the danger the preventive measure was meant to contain still exists. If, however, in the case of conditional release from an institution referred to in §§ 21 to 23, the preventive measure is ordered again for an act carrying a penalty committed during the probationary period (§ 53 paragraph 1), then the earlier order of that measure shall thereby be rendered moot.

2) Conditional release from an institution for offenders in need of withdrawal shall not be revoked if continuation of the treatment appears pointless from the outset.

#### § 55

##### *Revocation upon subsequent conviction*

1) A suspension of a sentence, part of a sentence, and placement in an institution for offenders in need of withdrawal shall be revoked if there is a subsequent conviction in accordance with § 31 and the suspension would not have been granted if the cases had been adjudicated at the same time.<sup>3</sup>

<sup>1</sup> § 53 paragraph 3 amended by LGBl. 2006 No. 100.

<sup>2</sup> § 53 paragraph 4 inserted by LGBl. 2011 No. 184.

<sup>3</sup> § 55 paragraph 1 amended by LGBl. 2006 No. 100.

2) Where the sentence, part of the sentence, or placement in an institution for offenders in need of withdrawal was suspended upon the subsequent conviction, this suspension shall be revoked if it had not been granted if the cases had been adjudicated at the same time, and the conviction that should have been considered in accordance with § 31 was not on the record.<sup>1</sup>

3) If the suspension is not revoked, each of the coinciding probationary periods shall last until expiry of the probationary period that ends last, but at most five years.

#### § 56

##### *Revocation deadlines*

The decrees provided in §§ 53 to 55 may be imposed by the court only during the probationary period, but in the case of an offence committed during that period, also within six months after expiry of the probationary period or after the end of criminal proceedings pending against the offender at the time of expiry of that period.

### Section 6

#### **Limitation**

#### § 57

##### *Limitation of punishability*

1) Offences carrying a penalty of imprisonment for life or a penalty of imprisonment of ten to twenty years or for life shall not be subject to a limitation period. After expiry of a period of twenty years, however, a penalty of imprisonment of ten to twenty years shall replace penalties of imprisonment for life. Paragraph 2 and § 58 shall apply *mutatis mutandis* to the time period.<sup>2</sup>

2) The punishability of other acts shall be subject to limitation. The limitation period shall commence as soon as the activity carrying a penalty has been completed or the conduct carrying a penalty has ceased.

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<sup>1</sup> § 55 paragraph 2 amended by LGBl. 2006 No. 100.

<sup>2</sup> § 57 paragraph 1 amended by LGBl. 2006 No. 100.

3) The limitation period shall be  
twenty years,  
if the act carries a penalty of imprisonment of ten to twenty years or for life, or if it does not carry a penalty of imprisonment for life but does carry a penalty of imprisonment of more than ten years;  
ten years,  
if the act carries a penalty of imprisonment of more than five years, but at most ten years;  
five years,  
if the act carries a penalty of imprisonment of more than one year, but at most five years;  
three years,  
if the act carries a penalty of imprisonment of more than six months, but at most one year;  
one year,  
if the act carries a penalty of imprisonment of not more than six months or only a monetary penalty.

4) Once the limitation period has expired, deprivation of enrichment, forfeiture, and preventive measures shall also become impermissible.<sup>1</sup>

#### § 58

##### *Extension of the limitation period*

1) If a result belonging to the elements of an offence occurs only after the activity carrying a penalty is completed or the conduct carrying a penalty has ceased, then the limitation period shall not come to an end until either it has elapsed also since the result came to pass or one and a half times its duration, but at least three years, has passed since the point in time referred to in § 57 paragraph 2.

2) If, during the limitation period, the perpetrator again commits an act carrying a penalty that arises from the same harmful inclination, the limitation period shall not come to an end until the limitation period has expired also for that act.

3) The limitation period shall not include:

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<sup>1</sup> § 57 paragraph 4 amended by LGBl. 2000 No. 256.

1. the time during which, in accordance with a statutory provision, prosecution cannot be initiated or continued, unless otherwise provided in paragraph 4;
2. the time during which criminal proceedings for the act are pending in court against the perpetrator;
3. the time before the victim of genital mutilation (§ 90 paragraph 3) or an offence against sexual self-determination or another sexual offence reaches the age of eighteen.<sup>1</sup>

4) If the act is prosecuted only on demand, on application, or with the authorization of a person entitled to grant authorization, then the limitation period shall not be tolled because the prosecution is not demanded or applied for or authorization has not been given.

#### § 59

##### *Limitation of enforcement*

1) The enforceability of a sentence of imprisonment for life, a sentence of imprisonment of more than ten years, and placement in an institution for mentally abnormal offenders or for dangerous repeat offenders shall not be subject to limitation.

2) The enforceability of other sentences, deprivation of enrichment, forfeiture, and preventive measures shall be subject to limitation. The limitation period shall commence once the decision becomes final in which the sentence, deprivation of enrichment, forfeiture, or preventive measures was imposed.<sup>2</sup>

3) The period shall be  
fifteen years,  
if a sentence of imprisonment of more than one year, but not more than ten years was imposed;  
ten years,  
if a sentence of imprisonment of more than three months, but not more than one year was imposed, or a monetary penalty subject to an alternative term of imprisonment of more than three months was imposed;  
five years  
in all other cases.

<sup>1</sup> § 58 paragraph 3(3) amended by LGBl. 2011 No. 184.

<sup>2</sup> § 59 paragraph 2 amended by LGBl. 2000 No. 256.

4) If multiple sentences or provisional measures were imposed, the limitation of enforceability of all these sentences or measures shall be determined by the sentence or measure with the longest limitation period. If a sentence of imprisonment and a monetary penalty were imposed at the same time, the alternative term of imprisonment shall be added to the term of imprisonment in order to calculate the limitation period. If a sentence and deprivation of enrichment were imposed on the same perpetrator, then the limitation of enforceability of the deprivation of enrichment shall be determined by the limitation of enforceability of the sentence.<sup>1</sup>

## § 60

### *Extension of the period of limitation for enforceability*

1) If a new sentence or preventive measure is imposed on the convicted person during the limitation period, the period of limitation for enforceability shall not come to an end until the enforceability of that sentence or preventive measures has also expired.

2) The limitation period shall not include:

1. the probationary period, in the case of a suspended sentence or placement in an institution for offenders in need of withdrawal or in the case of conditional release;
2. time periods for which the convicted person has been granted a deferral of enforcement of a sentence of imprisonment, except on grounds of unsuitability for enforcement, or of payment of a monetary penalty;
3. times during which the convicted person was in custody pursuant to official orders;
4. times during which the convicted person was abroad.<sup>2</sup>

3) The enforcement of the sentence of imprisonment or the preventive measure involving deprivation of liberty shall interrupt the limitation period. Once the interruption has come to an end, without the convicted person having been granted final release, the limitation period shall resume, without prejudice to paragraph 2.

<sup>1</sup> § 59 paragraph 4 amended by LGBl. 2000 No. 256.

<sup>2</sup> § 60 paragraph 2(4) amended by LGBl. 2006 No. 100.

Section 7  
**Scope of application**

§ 61

*Scope rationae temporis*

The criminal laws shall be applied to acts committed after their entry into force. They shall be applied to acts committed earlier if the laws in force at the time of the act would, in their overall effect, not have been more favourable to the perpetrator.

§ 62

*Offences in Liechtenstein*

The Liechtenstein criminal laws shall apply to all acts committed in Liechtenstein.

§ 63

*Offences on board Liechtenstein ships or aircraft*

The Liechtenstein criminal laws shall also apply to acts committed on a Liechtenstein ship or aircraft, irrespective of where the ship or aircraft is located.

§ 64

*Offences abroad that are punished irrespective of the laws of the place where they are committed*

1) The Liechtenstein criminal laws shall apply to the following acts committed abroad, irrespective of the criminal laws of the place where the act is committed:<sup>1</sup>

1. high treason (§ 242), preparation of high treason (§ 244), subversive groups (§ 246), attacks against the highest bodies of the State (§§ 249 to 251), treason (§§ 252 to 258), and offences against the national defence (§§ 259 and 260);

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<sup>1</sup> § 64 paragraph 1, introductory sentence amended by LGBl. 2000 No. 256.

2. offences committed against a Liechtenstein official (§ 74 paragraph 4) during or because of execution of his duties and offences committed as a Liechtenstein official;
3. false testimony in court (§ 288) and false testimony before an administrative authority under oath or confirmed by oath (§ 289) with respect to proceedings pending before a Liechtenstein court or a Liechtenstein administrative authority;
4. extortionate kidnapping (§ 102), delivery to a foreign power (§ 103), slave trade (§ 104), trafficking in persons (§ 104a), breach of a business or trade secret (§ 122), spying out a business or trade secret (§ 123), spying out a business or trade secret for use abroad (§ 124), cross-border trafficking for prostitution (§ 217), counterfeiting money (§ 232), counterfeiting specially protected securities punishable under § 232 (§ 237), preparation of counterfeiting money, securities, or official stamps (§ 239), criminal organization (§ 278a paragraph 1), and crimes against the provisions of the Narcotics Act if the perpetrator is not extradited or if the act violates Liechtenstein interests;<sup>1</sup>
- 4a. sexual harassment of underage persons (§ 203 paragraph 2), aggravated sexual abuse of underage persons (§ 205), sexual abuse of underage persons (§ 206), endangerment of the morals of underage persons or adolescents (§ 207), sexual abuse of minors (§ 208), initiation of sexual contacts with underage persons (§ 209), immoral influence on underage persons (§ 209a), arrangement of sexual contacts with minors against payment (§ 214), promotion of prostitution and pornographic depictions of minors (§ 215a), and pornographic depictions of minors (§ 219) if the perpetrator has his residence or habitual abode in Liechtenstein;<sup>2</sup>
5. air piracy (§ 185), offences against life and limb or against liberty committed in connection therewith, and wilful endangerment of the safety of air travel (§ 186) if
  - a) the offence 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 without crew is leased to someone who has his business domicile or, if no such business domicile exists, his habitual abode in the Principality of Liechtenstein, or

<sup>1</sup> § 64 paragraph 1(4) amended by LGBl. 2007 No. 186.

<sup>2</sup> § 64 paragraph 1(4a) amended by LGBl. 2011 No. 184.



- d) the perpetrator is situated in the Principality of Liechtenstein and is not extradited;
- 6. other offences which the Principality of Liechtenstein is required to prosecute, irrespective of the criminal laws of the place where the offence is committed, even if they are committed abroad;
- 7. offences that a Liechtenstein citizen commits against another Liechtenstein citizen, if both have their residence or habitual abode in Liechtenstein;
- 8. termination of pregnancy (§ 96), termination of pregnancy without the consent of the pregnant woman (§ 97), careless intervention with respect to a pregnant woman (§ 98), provided that the pregnant woman has her residence or habitual abode in Liechtenstein;
- 9. participation (§ 12) in an offence committed by the immediate perpetrator in Liechtenstein, as well as handling stolen goods (§ 164) and money laundering (§ 165) with respect to a (predicate) offence committed in Liechtenstein;<sup>1</sup>
- 10. terrorist group (§ 278b) and terrorist offences (§ 278c) as well as offences under §§ 128 to 131, 144, 145, 223, and 224 committed in connection therewith if
  - a) the perpetrator was a Liechtenstein citizen at the time of the act or acquired Liechtenstein citizenship later and still has it at the time the criminal proceedings are initiated,
  - b) the perpetrator has his residence or habitual abode in Liechtenstein,
  - c) the act was perpetrated for the benefit of a legal person domiciled in Liechtenstein,
  - d) the act was committed against the Reigning Prince, Parliament, the Government, a court or other authorities or against the population of the Principality of Liechtenstein,
  - e) the perpetrator was a foreign citizen at the time of the act, is situated in Liechtenstein, and cannot be extradited;<sup>2</sup>
- 11. terrorist financing (§ 278d), if
  - a) the perpetrator was a Liechtenstein citizen at the time of the act or acquired Liechtenstein citizenship later and still has it at the time the criminal proceedings are initiated, or

<sup>1</sup> § 64 paragraph 1(9) amended by LGBl. 2003 No. 236.

<sup>2</sup> § 64 paragraph 1(10) inserted by LGBl. 2003 No. 236.

b) the perpetrator was a foreign citizen at the time of the act, is situated in Liechtenstein, and cannot be extradited.<sup>1</sup>

2) If the criminal laws enumerated in paragraph 1 cannot be applied merely because the act is an act punishable with a more severe penalty, then the act committed abroad shall nevertheless be punished in accordance with Liechtenstein criminal laws, irrespective of the criminal laws of the place where the act is committed.

#### § 65

##### *Offences abroad that are punished only if they carry a penalty under the laws of the place where they are committed*

1) For acts other than those referred to in §§ 63 and 64 that are committed abroad, the Liechtenstein criminal laws shall apply, provided that the acts also carry a penalty under the laws of the place where they are committed, if:

1. the perpetrator was a Liechtenstein citizen at the time of the act or acquired Liechtenstein citizenship later and still has it at the time the criminal proceedings are initiated;
2. the perpetrator was a foreigner at the time of the act, is caught in Liechtenstein, and cannot be extradited abroad for reasons other than the type or nature of his act.<sup>2</sup>

2) The penalty shall be determined so that the perpetrator is not treated less favourably in the overall effect than under the law of the place where the act is committed.

3) If there is no penal power at the place where the act is committed, it shall suffice if the act is punishable under Liechtenstein law.

4) The act shall not be punished, however:

1. if the act is no longer punishable under the laws of the place where it is committed;
2. if the perpetrator has been acquitted by a final judgement or the prosecution has otherwise been dropped before a court of the State in which the act is committed;
3. if the perpetrator has been convicted by a final judgement before a foreign court and the sentence has been enforced in its entirety or, to

<sup>1</sup> § 64 paragraph 1(11) inserted by LGBl. 2003 No. 236.

<sup>2</sup> § 65 paragraph 1(2) amended by LGBl. 2006 No. 100.

the extent it has not been enforced, it has been remitted or the period of limitation for enforceability under the law of the foreign State has expired;

4. for as long as enforcement of the sentence imposed by the foreign court is stayed in whole or in part.<sup>1</sup>

5) Preventive measures provided for under Liechtenstein law shall, if the conditions therefor apply, also be ordered against a Liechtenstein citizen even if he cannot be punished in Liechtenstein for one of the reasons set out in the preceding paragraph.

#### § 65a<sup>2</sup>

##### *Scope of application of forfeiture and confiscation*

Forfeiture and confiscation shall cover all assets and objects situated in Liechtenstein.

#### § 66

##### *Taking account of sentences served abroad*

If the perpetrator has already served a sentence abroad for an act for which he is punished in Liechtenstein, the sentence served abroad shall be counted toward the sentence imposed in Liechtenstein.

#### § 67

##### *Time and place of the act*

1) The perpetrator shall be deemed to have committed an act carrying a penalty at the time he acted or should have acted; it shall be irrelevant when the result occurs.

2) The perpetrator shall be deemed to have committed an act carrying a penalty at the place where he acted or should have acted or where a result corresponding to the elements of the offence occurred in whole or in part or, as conceived by the perpetrator, should have occurred.

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<sup>1</sup> § 65 paragraph 4(4) inserted by LGBl. 2006 No. 100.

<sup>2</sup> § 65a inserted by LGBl. 2000 No. 256.

## Section 8 Definitions

### § 68

#### *Calculation of time*

Years and months shall be calculated according to the calendar. Time periods shall be calculated so that the day of the event with which the time period commences is not included. Time periods shall end with the expiry of the last day.

### § 69

#### *Commission in public*

An act shall be deemed to be committed in public only if it can be perceived by a larger group of persons.

### § 70

#### *Commission on a professional basis*

A person shall be deemed to commit an offence on a professional basis if the person commits the act with the purpose of obtaining regular income by repeatedly committing the act.

### § 71

#### *Harmful inclination*

Acts carrying a penalty shall be deemed to arise from the same harmful inclination if they are directed against the same legally protected good or are due to the same reprehensible motives or the same lack of character.

§ 72<sup>1</sup>*Relatives*

1) The relatives of a person shall be deemed to be the person's relations by blood or marriage in direct line, the person's spouse or registered partner and the siblings of the spouse or registered partner, the person's siblings and their spouses or registered partners, children and grandchildren, the siblings of the person's parents and grandparents, the person's cousins, the father or the mother of the person's child born out of wedlock, the person's adopted and foster parents, the person's adopted and foster children, the guardians of minors and the person's wards.

2) Persons living together in a *de facto* life partnership shall be treated like relatives, and children and grandchildren of one of the persons shall be treated like relatives of the other person as well.

## § 73

*Foreign convictions*

Unless the law expressly refers to conviction by a domestic court, foreign convictions shall be deemed equivalent to domestic convictions if they convict the offender for an act that is also punishable judicially under the law of the Principality of Liechtenstein, and if they were imposed in proceedings according to 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, the following terms shall have the following meanings:

1. underage: any person who has not yet reached the age of fourteen;
2. adolescent: any person who has reached the age of fourteen, but not yet the age of eighteen;
3. minor: any person who has not yet reached the age of eighteen;<sup>2</sup>

<sup>1</sup> § 72 amended by LGBl. 2011 No. 379.

<sup>2</sup> § 74(3) amended by LGBl. 2000 No. 46.

4. official: any person appointed in the name of the State, a municipal association, a municipality, or another person under public law, with the exception of a church or religious community, to carry out legal acts as an organ thereof alone or together with others, or otherwise entrusted with responsibilities of the National Public Administration or municipal administration;
- 4a. foreign official: any person holding an office in legislation, administration, or justice in another State who carries out a public responsibility for another State or an authority or public enterprise of such State or who is an official or representative of an international organization;<sup>1</sup>
5. dangerous threat: a threat involving injury to body, liberty, honour, or assets likely to give the threatened person well-founded concerns, considering the circumstances and the threatened person's personal characteristics or the gravity of the threatened harm, without a distinction as to whether the threatened harm is directed against the threatened person himself, his relatives, or other persons under his protection or persons personally close to him;
6. payment: any consideration amenable to valuation in money, even if it is meant for another person than the person to whom it is offered or given;
7. document: anything in written form that has been drafted to establish, change, or repeal a right or a legal relationship or to prove a fact of legal significance.
8. computer system: both individual and connected devices serving automatic data processing.<sup>2</sup>

1a) For the purposes of this law, data shall be deemed both personal and non-personal data as well as programs.<sup>3</sup>

2) If a provision refers to the term "object" or "good", it shall apply *mutatis mutandis* to animals.<sup>4</sup>

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1 § 74(4a) inserted by LGBl. 2000 No. 256.

2 § 74(8) inserted by LGBl. 2009 No. 228.

3 § 74 paragraph 1a inserted by LGBl. 2009 No. 228.

4 § 74 paragraph 2 inserted by LGBl. 2003 No. 157.

Section 9  
**Liability of legal persons<sup>1</sup>**

§ 74a<sup>2</sup>

*Liability*

1) To the extent they are not acting in enforcement of the laws, legal persons shall be liable for crimes and misdemeanours when these are committed unlawfully and culpably, in the performance of business activities and for the purpose of the legal person, by managers.

2) Legal persons shall mean

1. legal persons entered in the Commercial Register as well as legal persons which neither have their registered office nor a place of operation or establishment in Liechtenstein, insofar as these would have been entered in the Commercial Register under domestic law, and
2. foundations and associations not entered in the Commercial Register as well as foundations and associations which neither have their registered office nor a place of operation or establishment in Liechtenstein.<sup>3</sup>

3) Manager shall mean any person

1. authorized to represent the legal person in external relations,
2. who performs control duties in a leading capacity, or
3. otherwise exerts meaningful influence over the business management of the legal person.

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<sup>1</sup> Title preceding § 74a inserted by LGBl. 2010 No. 378.

<sup>2</sup> § 74a inserted by LGBl. 2010 No. 378.

<sup>3</sup> § 74a paragraph 2 amended by LGBl. 2013 No. 6.

4) Where the underlying acts have been committed by employees of the legal person, even when not culpably, the legal person shall be liable only when the commission of the act was made possible or was significantly facilitated by the omission of managers, as referred to in paragraph 3, who failed to take the necessary and reasonable measures to prevent such underlying acts.

5) The liability of the legal person for the underlying act and the punishability of managers or employees for the same act shall not be exclusive of each other.

§ 74b<sup>1</sup>

*Corporate monetary penalty*

1) Where a legal person is liable for an underlying act, a corporate monetary penalty shall be imposed on that legal person.

2) The corporate monetary penalty shall be assessed in daily rates. It shall amount to at least one daily rate.

3) The number of daily rates shall amount to at least

180,  
if the act carries a penalty of imprisonment for life or imprisonment of up to twenty years;

155,  
if the act carries a penalty of imprisonment of up to fifteen years;

130,  
if the act carries a penalty of imprisonment of up to ten years;

100,  
if the act carries a penalty of imprisonment of up to five years;

85,  
if the act carries a penalty of imprisonment of up to three years;

70,  
if the act carries a penalty of imprisonment of up to two years,

55,  
if the act carries a penalty of imprisonment of up to one year;

40  
in all other cases.

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<sup>1</sup> § 74b inserted by LGBl. 2010 No. 378.



4) The daily rate shall be assessed in accordance with the income situation of the legal person, taking account of its economic ability apart from the income situation. It shall be assessed at an amount that corresponds to 1/360th of the annual corporate income or that is less or more than that amount by at most one third, but at least 100 francs and at most 15,000 francs. If the legal person serves common-benefit, humanitarian, or ecclesiastic purposes or if it is otherwise not for profit, then the daily rate shall be assessed at at least 4 and at most 1,000 francs.

5) The number of daily rates shall be determined in accordance with the seriousness and consequences of the underlying act and the seriousness of the lack of organization. Additionally, the conduct of the legal person after the act shall be taken into account, especially whether it has rectified the consequences of the act.

#### § 74c<sup>1</sup>

##### *Suspension and instructions*

1) Where the legal person is sentenced to a corporate monetary penalty, the corporate monetary penalty shall be suspended and a probationary period of at least one and at most three years determined, and instructions (paragraph 3) shall be issued as appropriate, if it is likely that this will be sufficient to prevent the commission of further acts for which the legal person is liable (§ 74a) and enforcement of the corporate monetary penalty is not needed to deter the commission of acts in the context of the activity of other legal persons. In this regard, especially the kind of act, the gravity of the lack of organisation, prior convictions of the legal person, the reliability of the managers, and the measures taken by the legal person after the act shall be taken into account.

2) Where a legal person is sentenced to a corporate monetary penalty and the conditions referred to in paragraph 1 apply to part of the corporate monetary penalty, then that part, but at least one third and at most five sixths, shall be suspended and a probationary period of at least one and at most three years determined, and instructions (paragraph 3) shall be issued as appropriate.

3) Where the corporate monetary penalty imposed on a legal person is suspended in whole or in part, the court may issue instructions imposing technical, organisational, or personnel measures on the legal

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<sup>1</sup> § 74c inserted by LGBL 2010 No. 378.

person to deter the commission of further acts for which the legal person is liable. The legal person shall in all cases be instructed to rectify the damage arising from the act to the best of its ability, to the extent that has not already occurred.

§ 74d<sup>1</sup>

*Legal succession*

1) Where the rights and obligations of the legal person are transferred to another legal person by way of universal succession, the legal consequences provided under this law or the Code of Criminal Procedure shall apply to the legal successor. Legal consequences imposed on the legal predecessor shall have effect also for the legal successor.

2) Singular succession shall be deemed equivalent to universal succession if essentially the same ownership situation in regard to the legal person exists and the operation or activity is essentially continued.

3) Where more than one legal successor exists, the corporate monetary penalty may be enforced against every legal successor. Other legal consequences may be attributed to individual legal successors to the extent those legal consequences affect their area of activity.

§ 74e<sup>2</sup>

*Domestic jurisdiction*

Where by law the validity of Liechtenstein criminal laws for acts committed abroad depends on the place of residence or abode of the perpetrator in Liechtenstein or the perpetrator's Liechtenstein citizenship, the registered office or place of operation or establishment of the legal person shall be decisive.

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<sup>1</sup> § 74d inserted by LGBl. 2010 No. 378.

<sup>2</sup> § 74e inserted by LGBl. 2010 No. 378.

§ 74f<sup>1</sup>*Limitation of enforceability*

The period of limitation for enforceability of the imposed corporate monetary penalty shall be ten years.

§ 74g<sup>2</sup>*Application of the general criminal laws*

1) The general criminal laws shall apply *mutatis mutandis* also to legal persons, to the extent they are not applicable exclusively to natural persons.

2) Where a legal person is sentenced to a corporate monetary penalty, the statutory provisions on joint liability of legal persons for monetary penalties and costs shall not be applicable.

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<sup>1</sup> § 74f inserted by LGBL 2010 No. 378.

<sup>2</sup> § 74g inserted by LGBL 2010 No. 378.

## Special Part

### Section 1

#### Offences against life and limb

##### § 75

###### *Murder*

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

##### § 76

###### *Manslaughter*

Anyone who is carried away by a generally understandable extreme emotion and as a consequence kills another person shall be punished with imprisonment of five to ten years.

##### § 77

###### *Killing on demand*

Anyone who kills another person on that person's earnest and insistent demand shall be punished with imprisonment of six months to five years.

##### § 78

###### *Participation in suicide*

Anyone who, for reprehensible motives, induces another person to kill himself or assists such person in killing himself shall be punished with imprisonment of six months to five years.

## § 79

*Killing of a child at birth*

A mother who kills a child during childbirth or as long as she is still under influence of the birthing process shall be punished with imprisonment of one to five years.

## § 82

*Abandonment*

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

2) Anyone shall be punished likewise who endangers another person who is subject to his custody or whom he otherwise is obliged to assist (§ 2) by abandoning that person in a helpless situation.

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

## § 85

*Bodily injury with serious lasting consequences*

If, permanently or for a long period of time, the act results in

1. the loss of or serious damage to speech, vision, hearing, or fertility,
2. a substantial mutilation or conspicuous disfigurement, or
3. serious suffering, lingering illness, or inability to work of the injured person,

then the perpetrator shall be punished with imprisonment of six months to five years.

## § 86

*Bodily injury leading to death*

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

## § 87

*Purposeful serious bodily injury*

1) Anyone who purposefully inflicts serious bodily injury (§ 84 paragraph 1) on another person shall be punished with imprisonment of one to five years.

2) If the act results in serious lasting consequences (§ 85), then the perpetrator shall be punished with imprisonment of one to ten years; if the act results in the death of the injured person, then the perpetrator shall be punished with imprisonment of five to ten years.

## § 92

*Inflicting agony on or neglecting an underage person, adolescent, or defenceless person*

1) Anyone who inflicts physical or emotional agony on a person who is subject to his care or custody and who has not yet reached the age of eighteen or is defenceless due to frailty, illness, or mental disability shall be punished with imprisonment of up to two years.<sup>1</sup>

2) Anyone shall be punished likewise who grossly neglects his obligation of care or custody with respect to such person and thereby, even if only negligently, causes considerable damage to the person's health or physical or mental development.

3) If the act results in serious bodily injury (§ 84 paragraph 1), then the perpetrator shall be punished with imprisonment of up to three years; if the act results in bodily injury with serious lasting consequences (§ 85), with imprisonment of up to five years; if the act results in the death of the injured person, with imprisonment of one to ten years.

## § 93

*Overexertion of an underage person, adolescent, or person requiring gentle treatment*

1) Anyone who, out of malice or ruthlessness, overexerts another person who is dependent on him or subject to his care or custody and who has not yet reached the age of eighteen or, in light of the person's state of health, evidently requires gentle treatment, and that

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<sup>1</sup> § 92 paragraph 1 amended by LGBl. 2011 No. 184.

overexertion brings about the danger of death or considerable bodily injury or damage to the health of the overexerted person, even if only negligently, shall be punished with imprisonment of up to two years.

2) If the act has one of the consequences referred to in § 92 paragraph 3, the penalties provided there shall be imposed.

## Section 2

### Termination of pregnancy

#### § 96

##### *Termination of pregnancy*

1) Anyone who, with the consent of the pregnant woman, terminates the pregnancy of the woman shall be punished with imprisonment of up to one year; if he commits the act on a professional basis, he shall be punished with imprisonment of up to three years.

2) If the immediate perpetrator is not a physician, then he shall be punished with imprisonment of up to three years; if he commits the act on a professional basis or if the act results in the death of the pregnant woman, he shall be punished with imprisonment of six months to five years.

3) A woman who terminates her pregnancy herself or allows another person to terminate her pregnancy shall be punished with imprisonment of up to one year.

4) The act shall not be punishable under articles 1 and 3 if the termination of pregnancy

1. is necessary to avert serious danger to the life or serious damage to the health of the pregnant woman that cannot be averted otherwise, or the pregnant woman had not yet reached the age of fourteen at the time of conception, unless she was then or later married to the person who made her pregnant, and if furthermore in all these cases the termination is undertaken by a physician, or

2. is undertaken to save the pregnant woman from an immediate danger to life that cannot be averted otherwise, under circumstances not permitting medical assistance to be obtained in time.

§ 97

*Termination of pregnancy without the consent of the pregnant woman*

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

2) The perpetrator shall not be punished in accordance with paragraph 1 if the termination of pregnancy is undertaken to save the pregnant woman from an immediate danger to life that cannot be averted otherwise, under circumstances not permitting the consent of the pregnant woman to be obtained in time.

Section 3

**Offences against liberty**

§ 99

*Deprivation of liberty*

1) Anyone who unlawfully imprisons another person or deprives him of personal liberty in another manner shall be punished with imprisonment of up to three years.

2) Anyone who maintains the deprivation of liberty for longer than one month or commits the act in a manner that causes the detained person particular agony or under circumstances that entail particularly severe disadvantages to the detained person shall be punished with imprisonment of one to ten years.



§ 100<sup>1</sup>*Kidnapping of an abulic or defenceless person*

Anyone who kidnaps a person in order to sexually abuse the person or involve the person in sexual acts, and the person is mentally ill or in a condition that makes the person incapable of resistance, shall be punished with imprisonment of six months to five years.

§ 101<sup>2</sup>*Kidnapping of an underage person*

Anyone who kidnaps an underage person in order to sexually abuse the person or involve the person in sexual acts shall be punished with imprisonment of six months to five years.

## § 102

*Extortionate kidnapping*

1) Anyone who kidnaps or otherwise seizes another person, without the person's consent and by force or by obtaining consent through a dangerous threat or deceit, in order to coerce a third party into an act, acquiescence, or omission, shall be punished with imprisonment of ten to twenty years.

2) Anyone shall be punished likewise who

1. with the purpose set out in paragraph 1 kidnaps or otherwise seizes an underage or mentally ill person or a person who, due to the person's condition, is incapable of resistance, or
2. coerces a third party into an act, acquiescence, or omission by taking advantage of a kidnapping or other manner of seizing a person that was undertaken without the purpose of coercion.

3) If the act results in the death of the person who was kidnapped or otherwise seized by the perpetrator, then the perpetrator shall be punished with imprisonment of ten to twenty years or for life.

4) If the perpetrator voluntarily renounces the desired performance and allows the person who was kidnapped or otherwise seized by the

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<sup>1</sup> § 100 amended by LGBl. 2001 No. 16.

<sup>2</sup> § 101 amended by LGBl. 2001 No. 16.

perpetrator to return to the person's usual surroundings without serious damage, then the perpetrator shall be punished with imprisonment of six months to five years.

## § 103

*Delivery to a foreign power*

1) Anyone who delivers a person to a foreign power without the person's consent and by force or by obtaining consent through a dangerous threat or deceit, and anyone who delivers an underage or mentally ill person or person who, due to the person's condition, is incapable of resistance to a foreign power, shall, if the perpetrator or the delivered person is a Liechtenstein citizen or the delivered person was situated in Liechtenstein at the time of the act, be punished with imprisonment of ten to twenty years.

2) If the victim is not exposed to any considerable danger by the act, then the perpetrator shall be punished with imprisonment of five to ten years.

## § 104

*Slave trade*

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

2) Anyone shall be punished likewise who effects that another person is enslaved or brought into a situation similar to slavery or effects that another person enters into slavery or a situation similar to slavery.

§ 104a<sup>1</sup>*Trafficking in persons*

1) Anyone who recruits, harbours or otherwise receives, transports, or offers or passes on to another,

1. an underage person, or
2. an adult person by dishonest means (paragraph 2) used against the person

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<sup>1</sup> § 104a inserted by LGBl. 2007 No. 186.

with the intent that the person be exploited sexually, by organ removal, or in terms of their labour, shall be punished with imprisonment of up to three years.

2) Dishonest means shall mean deception regarding facts, taking advantage of a position of authority, plight, mental illness, or a condition that makes the person defenceless, intimidation, and the granting or acceptance of an advantage for handing over control of the person.

3) Anyone who commits the act with the use of force or a dangerous threat shall be punished with imprisonment of six months to five years.

4) Anyone who commits the act against an underage person, as part of a criminal group, with severe use of force or in such a way that the life of the person is wilfully or grossly negligently endangered by the act or the act results in an particularly severe disadvantage for the person, shall be punished with imprisonment of one to ten years.

## § 106

### *Aggravated coercion*<sup>1</sup>

1) Anyone committing coercion by<sup>2</sup>

1. threatening death, substantial mutilation or conspicuous disfigurement, kidnapping, arson, endangerment through nuclear energy, ionizing radiation, or explosives, or destruction of livelihood or social status,<sup>3</sup>
2. by these means and for an extended period of time, inflicts a state of agony on the coerced person or another person against whom the force or dangerous threat is directed, or <sup>4</sup>
3. induces the coerced person into marriage, registration of a partnership, prostitution, or participation in a pornographic depiction (§ 215a paragraph 3) or otherwise into an act, acquiescence, or omission that violates the particularly important interests of the coerced person or a third party<sup>5</sup>

shall be punished with imprisonment of six months to five years.<sup>6</sup>

<sup>1</sup> § 106 heading amended by LGBl. 2011 No. 184.

<sup>2</sup> § 106 paragraph 1, introductory sentence amended by LGBl. 2011 No. 184.

<sup>3</sup> § 106 paragraph 1(1) amended by LGBl. 2011 No. 184.

<sup>4</sup> § 106 paragraph 1(2) amended by LGBl. 2011 No. 184.

<sup>5</sup> § 106 paragraph 1(3) amended by LGBl. 2011 No. 379.

<sup>6</sup> § 106 paragraph 1, final sentence amended by LGBl. 2011 No. 184.

2) The perpetrator shall be punished likewise if the act results in the suicide or attempted suicide of the coerced person or of another person against whom the force or dangerous threat is directed.<sup>1</sup>

#### § 107

##### *Dangerous threat*

1) Anyone who threatens another person in a dangerous manner in order to scare and agitate the person shall be punished with imprisonment of up to one year.<sup>2</sup>

2) Anyone who issues a dangerous threat by threatening death, substantial mutilation or conspicuous disfigurement, kidnapping, arson, endangerment through nuclear energy, ionizing radiation, or explosives, or destruction of livelihood or social status or who, by these means and for an extended period of time, inflicts a state of agony on the coerced person or another person against whom the force or dangerous threat is directed shall be punished with imprisonment of up to three years.<sup>3</sup>

3) In the cases referred to in § 106 paragraph 2, the penalty set out there shall be imposed.

4) Repealed<sup>4</sup>

### Section 5

#### **Violations of privacy and certain professional secrecy obligations**

#### § 118a<sup>5</sup>

##### *Illegal access to a computer system*

1) Anyone who, with the purpose to obtain knowledge, for himself or for another unauthorized person, of data stored on a computer system

1 § 106 paragraph 2 amended by LGBl. 2011 No. 184.

2 § 107 paragraph 1 amended by LGBl. 2011 No. 184.

3 § 107 paragraph 2 amended by LGBl. 2011 No. 184.

4 § 107 paragraph 4 repealed by LGBl. 2011 No. 184.

5 § 118a inserted by LGBl. 2009 No. 228.

and not intended for him, and, by using the data himself makes it available to another person for whom the data is not intended or publishes the data, to procure a pecuniary advantage for himself or another person or to inflict a disadvantage on another person, gains access to a computer system that is not at his disposal or not at his sole disposal, or gains access to part of such a computer system, by overcoming specific security precautions in the computer system, shall be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates.

2) The perpetrator shall be prosecuted only with the authorization of the aggrieved party.

3) Anyone who commits the act as a member of a criminal group shall be punished with imprisonment of up to three years.

## Section 6

### **Offences against the assets of another**

#### § 126

##### *Serious damage to property*

1) Anyone shall be punished with imprisonment of up to two years or with a monetary penalty of up to 360 daily rates who commits damage to property against

1. an object that is dedicated to religious ceremonies or worship by a church or religious group existing in Liechtenstein,
2. a grave, another burial site, a tomb, or a memorial to the dead that is located in a cemetery or premises serving the practice of religion,
3. a public monument or an object under historical protection,
4. an object of generally recognized scientific, ethnological, artistic, or historic value that is located in a generally accessible collection or another such place or in a public building,
5. a facility, installation, or other object that serves public safety, the prevention of or response to disasters, the public health service, the public supply of water, light, heating, or energy, or public

transportation, or a means of communication intended for such transportation or for other public purposes,<sup>1</sup>

6. weaponry, a facility, or an installation that exclusively or predominantly serves the national defence or the protection of the civilian population against the dangers of war, and in this way endangers the national defence, induces a lack of personnel or material that endangers the purpose of its deployment, or endangers the protection of the civilian population.

2) Anyone who through the act causes particularly great damage to the object shall be punished with imprisonment of six months to five years.

#### § 126a

##### *Damage to data*

1) Anyone who causes damage to another by changing, deleting, or otherwise making unusable or suppressing data that is processed, transmitted, or entered with the help of automation and that is not at his disposal or not at his sole disposal shall be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates.<sup>1</sup>

2) Anyone who through the act causes particularly great damage to the data or who commits the act as a member of a criminal group shall be punished with imprisonment of six months to five years.<sup>2</sup>

#### § 126b<sup>3</sup>

##### *Interference with the functioning of a computer system*

1) Anyone who seriously interferes with the functioning of a computer system that is not at his disposal or not at his sole disposal by entering or transmitting data shall be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates, if the act does not carry a penalty under § 126a.

2) Anyone who through the act brings about interference with the functioning of a computer system that persists for an extended period of

<sup>1</sup> § 126 paragraph 1(5) amended by LGBl. 2006 No. 94.

<sup>1</sup> § 126a paragraph 1 amended by LGBl. 2009 No. 228.

<sup>2</sup> § 126a paragraph 2 amended by LGBl. 2009 No. 228.

<sup>3</sup> § 126b inserted by LGBl. 2009 No. 228.

time shall be punished with imprisonment of up to two years or with a monetary penalty of up to 360 daily rates; anyone who commits the act as a member of a criminal group shall be punished with imprisonment of six months to five years.

## § 128

*Aggravated theft*

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

1. during a conflagration, a flood, or distress that is general or specific to the victim of the theft, or while taking advantage of a circumstance that makes the victim of the theft helpless,
2. in premises serving the practice of religion or of an object that is dedicated to religious ceremonies or worship by a church or religious group existing in Liechtenstein,
3. of an object of generally recognized scientific, ethnological, artistic, or historic value that is located in a generally accessible collection or another such place or in a public building.

2) Anyone who steals an object of particularly high value shall be punished with imprisonment of one to ten years.

## § 129

*Theft by breaking and entering or using weapons*

Anyone shall be punished with imprisonment of six months to five years who commits a theft

1. by entering a building, a means of transport, a dwelling or other locked room situated in a building or in a means of transportation, or a storage yard, by breaking in, boarding, or penetrating with a copied or illegally obtained key or other tool not intended for proper opening,
2. by breaking open a repository or opening a repository by means referred to in point 1,
3. by breaking open another locking device or opening it by means referred to in point 1, or

4. during which he or another participant (§ 12) with his knowledge carries a weapon or other means to overcome or prevent the resistance of a person.

§ 130<sup>1</sup>*Theft on a professional basis or as part of a criminal group*

Anyone who commits a theft on a professional basis or as a member of a criminal group with the participation (§ 12) of another member of that association shall be punished with imprisonment of six months to five years. Anyone who commits aggravated theft (§ 128) or burglary or theft by breaking and entering or using weapons (§ 129) with the purpose of obtaining regular income by repeatedly committing the act shall be punished with imprisonment of one to ten years.

## § 131

*Mixed larceny*

Anyone who, when caught committing a theft *in flagrante delicto*, uses force against a person or threatens that person with present danger to life or limb (§ 89) in order to retain the stolen object for himself or for a third party shall be punished with imprisonment of six months to five years, but if the use of force results in bodily injury with serious lasting consequences (§ 85) or in the death of a person, with imprisonment of five to fifteen years.

## § 132

*Energy theft*

1) Anyone who, with the intent to unjustly enrich himself or a third party, steals energy from a facility serving the extraction, conversion, delivery, or storage of energy shall be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates.

2) Anyone who steals energy to an extent of particularly high value shall be punished with imprisonment of up to five years.

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<sup>1</sup> § 130 amended by LGBl. 2007 No. 186.



## § 133

*Embezzlement*

1) Anyone who, with the intent to unjustly enrich himself or a third party, appropriates a good that has been entrusted to him shall be punished with imprisonment of up to three years or with a monetary penalty of up to 360 daily rates.

2) Anyone who embezzles a good of particularly high value shall be punished with imprisonment of six months to five years.

## § 134

*Misappropriation*

1) Anyone who, with the intent to unjustly enrich himself or a third party, appropriates a good belonging to another that he found or that ended up in his custody by mistake or otherwise without his intervention, shall be punished with imprisonment of up to two years or with a monetary penalty of up to 360 daily rates.

2) Anyone shall be punished likewise who misappropriates a good belonging to another that he brought into his custody without the intent to appropriate it.

3) Anyone who misappropriates a good belonging to another of particularly high value shall be punished with imprisonment of up to three years.

## § 140

*Use of force by a poacher*

Anyone who, when caught *in flagrante delicto* violating another's hunting or fishing rights, uses force against a person or threatens that person with present danger to life or limb (§ 89) in order to retain the prey for himself or a third party, shall be punished with imprisonment of six months to five years, but if the use of force results in bodily injury with serious lasting consequences (§ 85) or the death of a person, with imprisonment of five to fifteen years.

## § 142

*Robbery*

1) Anyone who by force against a person or through threat of present danger to life or limb (§ 89) removes or compels a moveable object belonging to another from another person with the intent to unjustly enrich himself or a third party shall be punished with imprisonment of one to ten years.

2) Anyone who commits robbery without using substantial force with respect to an object of minor value, if the act only entailed insignificant consequences and if the act does not constitute aggravated robbery (§ 143), shall be punished with imprisonment of six months to five years.

§ 143<sup>1</sup>*Aggravated robbery*

Anyone who commits a robbery as a member of a criminal group with the participation (§ 12) of another member of that association or who commits a robbery using a weapon shall be punished with imprisonment of five to fifteen years. The perpetrator shall be punished likewise if the force used seriously injures someone (§ 84 paragraph 1). If the use of force results in bodily injury with serious lasting consequences (§ 85), however, then the perpetrator shall be punished with imprisonment of ten to twenty years, but if the use of force results in the death of a person, with imprisonment of ten to twenty years or for life.

## § 144

*Extortion*

1) Anyone who uses force or a dangerous threat to coerce another person into an act, acquiescence, or omission that causes detriment to the assets of that person or of another shall be punished with imprisonment of six months to five years, if he acted with the intent to unjustly enrich himself or a third party through the conduct of the coerced person.

2) The act shall not be deemed unlawful if the use of force or threat as a means to the envisaged purpose does not conflict with morality.

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<sup>1</sup> § 143 amended by LGBl. 2007 No. 186.

## § 145

*Aggravated extortion*

1) Anyone who commits extortion

1. by threatening death, substantial mutilation or conspicuous disfigurement, kidnapping, arson, endangerment through nuclear energy, ionizing radiation, or explosives, or destruction of livelihood or social status, or
2. by these means and for an extended period of time, inflicts a state of agony on the coerced person or another person against whom the force or dangerous threat is directed

shall be punished with imprisonment of one to ten years.

2) Anyone shall be punished likewise who commits extortion

1. on a professional basis, or
2. against the same person for an extended period of time.

3) The perpetrator shall be punished likewise if the act leads to the suicide or attempted suicide of the coerced person or of another person against whom the force or dangerous threat is directed.

## § 147

*Serious fraud*

1) Anyone who commits fraud by

1. using a false or manipulated document, false or manipulated data, another such piece of evidence, or an incorrect measurement device,<sup>1</sup>
2. improperly sets, moves, removes, or makes unrecognizable a sign used to designate a border or water level, or
3. falsely poses as an official,

shall be punished with imprisonment of up to three years.

2) Anyone who brings about particularly great damage through the act shall be punished with imprisonment of one to ten years.<sup>2</sup>

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<sup>1</sup> § 147 paragraph 1(1) amended by LGBl. 2009 No. 228.

<sup>2</sup> § 147 paragraph 2 corrected by LGBl. 1989 No. 27.

## § 148

*Fraud on a professional basis*

Anyone who commits fraud on a professional basis shall be punished with imprisonment of six months to five years; but anyone who commits serious fraud with the purpose of obtaining regular income by repeatedly committing the act shall be punished with imprisonment of one to ten years.

## § 148a

*Fraudulent misuse of data processing<sup>1</sup>*

1) Anyone who, with the intent to unjustly enrich himself or a third party, causes detriment to the assets of another person by influencing the results of automatic data processing by designing the program, by entering, changing, deleting, or suppressing data, or by otherwise intervening in the flow of the processing procedure shall be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates.<sup>2</sup>

2) Anyone who commits the act on a professional basis or brings about particularly great damage through the act shall be punished with imprisonment of one to ten years.

## § 153

*Criminal breach of trust*

1) Anyone who knowingly abuses the authorization granted to him by law, official mandate, or legal transaction to dispose of assets belong to another or to obligate another and thereby inflicts a pecuniary disadvantage on the other person shall be punished with imprisonment of up to three years or with a monetary penalty of up to 360 daily rates.

2) Anyone who brings about particularly great damage through the act shall be punished with imprisonment of up to ten years.

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<sup>1</sup> § 148a heading amended by LGBl. 2009 No. 228.

<sup>2</sup> § 148a paragraph 1 amended by LGBl. 2009 No. 228.

§ 153a<sup>1</sup>*Misuse of aid*

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

2) Anyone shall likewise be punished in accordance with paragraph 1 who commits the act as a managing employee (§ 309) of a legal person or a company without legal personality to which the aid was granted, or who commits the act without the consent of the recipient of the aid but nonetheless as a managing employee (§ 309) thereof.

3) Anyone who commits the act in relation to an amount exceeding 5,000 francs shall be punished with imprisonment of up to two years or with a monetary penalty of up to 360 daily rates.

4) Anyone who commits the act in relation to an amount exceeding 75,000 francs shall be punished with imprisonment of six months to five years.

5) Aid shall mean a financial contribution granted for the purpose of pursuing public interests from public budgets, including the general budget of the European Communities and the budgets administered by the European Communities or on their behalf, and for which no adequate monetary consideration is given; financial contributions with the character of a social benefit shall be exempt.

## § 154

*Usury*

1) Anyone who exploits the plight, imprudence, inexperience, or lack of judgement of another person by obtaining a promise or grant of a pecuniary advantage for himself or a third party in return for a performance that serves to satisfy a financial need, in particular for granting or procuring a loan or for deferring a financial claim or procuring such a deferment, and such pecuniary advantage is conspicuously disproportionate to the value of his own performance, shall be punished with imprisonment of up to three years.

2) Anyone shall be punished likewise who usuriously realizes such a claim transferred to him.

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<sup>1</sup> § 153a inserted by LGBl. 2007 No. 186.

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

4) In addition to the penalty of imprisonment, the perpetrator may also be sentenced in all cases to a monetary penalty of up to 360 daily rates.

#### § 155

##### *Profiteering*

1) Anyone who, other than in the cases under § 154, on a professional basis exploits the plight, imprudence, inexperience, or lack of judgement of another person by obtaining a promise or grant of a pecuniary advantage for himself or a third party in return for a commodity or other performance, and such pecuniary advantage is conspicuously disproportionate to the value of his own performance, shall be punished with imprisonment of up to three years, but if he has seriously damaged a larger number of persons through the act, with imprisonment of six months to five years.

2) Anyone shall be punished likewise who in a profiteering manner realizes such a claim transferred to him.

3) In addition to the penalty of imprisonment, the perpetrator may also be sentenced in all cases to a monetary penalty of up to 360 daily rates.

#### § 156

##### *Fraudulent bankruptcy*

1) Anyone who conceals, stashes away, sells, or causes detriment to a component of his assets, purports the existence of or recognizes a non-existent liability, or otherwise actually or in pretence decreases his assets, and thereby frustrates or reduces satisfaction of the claims of his creditors or of at least one of them, shall be punished with imprisonment of six months to five years.

2) Anyone who brings about particularly great damage through the act shall be punished with imprisonment of one to ten years.

## § 157

*Detriment to third-party creditors*

Anyone shall be punished likewise who, without the consent of the borrower, conceals, stashes away, sells, or causes detriment to a component of the borrower's assets or asserts a non-existent right against the borrower's assets and thereby frustrates or reduces satisfaction of the claims of the creditors or of at least one of them.

§ 164<sup>1</sup>*Handling stolen goods*

1) Anyone who, after an act carrying a penalty against the assets of another, supports the perpetrator of that act in concealing or realizing an object the perpetrator has obtained through that act shall be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates.

2) Anyone shall be punished likewise who buys or otherwise takes possession of such an object or procures the object for a third party.

3) Anyone who handles a stolen object with a value of more than 5,000 francs shall be punished with imprisonment of up to two years or with a monetary penalty of up to 360 daily rates.

4) Anyone who handles a stolen object with a value of more than 75,000 francs or who handles stolen goods on a professional basis shall be punished with imprisonment of six months to five years. The handler of stolen goods shall be punished likewise if the act carrying a penalty by which the object was obtained carries a penalty of imprisonment that reaches or exceeds five years other than for reasons of commission on a professional basis, and the handler of stolen goods knows the circumstances giving rise to this penalty.

## § 165

*Money laundering<sup>2</sup>*

1) Anyone who hides asset components originating from a crime, a misdemeanour under §§ 180, 182, 223, 224, 278, 278d or 304 to 308, a

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<sup>1</sup> § 164 amended by LGBl. 1996 No. 64.

<sup>2</sup> § 165 heading amended by LGBl. 2000 No. 256.

misdeemeanour under articles 83 to 85 of the Foreigners Act, a misdemeanour under the Narcotics Act, or an infraction under article 24 of the Market Abuse Act, or conceals their origin, in particular by providing false information in legal transactions concerning the origin or the true nature of, the ownership or other rights pertaining to, the power of disposal over, the transfer of, or the location of such asset components, shall be punished with imprisonment of up to three years or with a monetary penalty of up to 360 daily rates.<sup>1</sup>

2) Anyone who appropriates or takes into safekeeping asset components originating from a crime, a misdemeanour under §§ 180, 182, 223, 224, 278, 278d or 304 to 308, a misdemeanour under articles 83 to 85 of the Foreigners Act, a misdemeanour under the Narcotics Act, or an infraction under article 24 of the Market Abuse Act, whether merely in order to hold them in safekeeping, to invest them, or to manage them, or who converts, realizes, or transfers such asset components to a third party, shall be punished with imprisonment of up to two years or with a monetary penalty of up to 360 daily rates.<sup>2</sup>

3) Anyone who commits the act referred to in paragraph 1 or 2 in relation to a value exceeding 75,000 francs or as a member of a criminal group that has joined together for the purpose of continued money laundering shall be punished with imprisonment of six months to five years.<sup>3</sup>

3a) Anyone shall likewise be punished in accordance with paragraph 1 or 2 who commits one of the acts referred to there in relation to asset components arising from a misdemeanour referred to in article 88 of the Value Added Tax Act associated with detriment to the budget of the European Communities, provided the evaded tax or unjust advantage exceeds 75,000 francs.<sup>4</sup>

4) An asset component shall be deemed to arise from an offence if the perpetrator of the offence has obtained the asset component through the act or received it for the commission of the act or if the value of the originally obtained or received asset is embodied therein.<sup>5</sup>

5) Repealed<sup>6</sup>

1 § 165 paragraph 1 amended by LGBl. 2010 No. 119.

2 § 165 paragraph 2 amended by LGBl. 2010 No. 119.

3 § 165 paragraph 3 amended by LGBl. 2007 No. 186.

4 § 165 paragraph 3a amended by LGBl. 2009 No. 331.

5 § 165 paragraph 4 amended by LGBl. 2000 No. 256.

6 § 165 paragraph 5 repealed by LGBl. 2009 No. 49.



6) Anyone who appropriates or takes into safekeeping asset components of a criminal organization (§ 278a) or a terrorist group (§ 278b) on behalf of or in the interest of such a criminal organization or terrorist group, whether merely in order to hold them in safekeeping, to invest them, or to manage them, or who converts, realizes, or transfers such asset components to a third party, shall be punished with imprisonment of up to three years; anyone who commits the act in relation to a value exceeding 75,000 francs shall be punished with imprisonment of six months to five years.<sup>1</sup>

## Section 7

### Offences constituting a public danger

#### § 169

##### *Arson*

1) Anyone who causes a conflagration of an object belonging to another without the consent of the owner shall be punished with imprisonment of one to ten years.

2) Anyone shall be punished likewise who causes a conflagration of an object belonging to himself or of the object of another person with that person's consent and thereby endangers the life or limb (§ 89) of the other person or of a third party or to the property of a third party on a large scale.

3) If the act results in the death of a person or serious bodily injury (§ 84 paragraph 1) to a larger number of persons or the act causes distress to many persons, then the perpetrator shall be punished with imprisonment of five to fifteen years, but if the act entails the death of a larger number of persons, with imprisonment of ten to twenty years or for life.

#### § 170

##### *Negligent arson*

1) Anyone who negligently commits one of the acts carrying a penalty

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<sup>1</sup> § 165 paragraph 6 inserted by LGBl. 2003 No. 236.

under § 169 shall be punished with imprisonment of up to one year.

2) If the act results in the death of a person or serious bodily injury (§ 84 paragraph 1) to a larger number of persons or if the act causes distress to many persons, the perpetrator shall be punished with imprisonment of up to three years, but if the act entails the death of a larger number of persons, with imprisonment of six months to five years.

#### § 171

##### *Wilful endangerment through nuclear energy or ionizing radiation*

1) Anyone who effects that the life or limb (§ 89) of another person or the property belonging to another on a large scale is endangered by 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 referred to in § 169 paragraph 3, the penalties provided there shall be imposed.

#### § 172

##### *Negligent endangerment through nuclear energy or ionizing radiation*

1) Anyone who negligently commits the act carrying a penalty under § 171 shall be punished with imprisonment of up to one year.

2) If the act has one of the consequences referred to in § 170 paragraph 2, the penalties provided there shall be imposed.

#### § 173

##### *Wilful endangerment through explosive devices*

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

2) If the act has one of the consequences referred to in § 169 paragraph 3, the penalties provided there shall be imposed.

## § 174

*Negligent endangerment through explosive devices*

1) Anyone who negligently commits the act carrying a penalty under § 173 shall be punished with imprisonment of up to one year.

2) If the act has one of the consequences referred to in § 170 paragraph 2, the penalties provided there shall be imposed.

## § 175

*Preparation of a crime with nuclear energy, ionizing radiation, or explosive devices*

1) Anyone who, with the purpose of enabling himself or another person to commit an act carrying a penalty under § 171 or § 173, even if such act has not yet been determined, manufactures, purchases, or possesses nuclear fuel, a radioactive substance, an explosive, a component of an explosive, or a device required to produce or use one of those substances, or who lets another person have such a substance in the knowledge (§ 5 paragraph 3) that that person is acquiring the substance for the purpose of preparing one of the aforementioned acts carrying a penalty, shall be punished with imprisonment of six months to five years.

2) The perpetrator shall not be punished if he, voluntarily and before the authority (§ 151 paragraph 3) learns of his fault, hands the object over to the authority, enables the authority to get hold of the object, or otherwise eliminates the danger that the object will be used to commit one of the acts carrying a penalty under § 171 or § 173.

## § 176

*Wilful endangerment of public safety*

1) Anyone who, other than through one of the acts carrying a penalty under §§ 169, 171 and 173, endangers the life or limb (§ 89) of a larger number of persons or the property belonging to another on a large scale shall be punished with imprisonment of one to ten years.

2) If the act has one of the consequences referred to in § 169 paragraph 3, the penalties provided there shall be imposed.

## § 177

*Negligent endangerment of public safety*

1) Anyone who, other than through one of the acts carrying a penalty under §§ 170, 172 and 174, negligently endangers the life or limb (§ 89) of a larger number of persons or the property belonging to another on a large scale shall be punished with imprisonment of up to one year.

2) If the act has one of the consequences referred to in § 170 paragraph 2, the penalties provided there shall be imposed.

## § 180

*Wilful endangerment through pollution of water or air*

1) Anyone who pollutes a body of water or the air in such a way that the life or limb (§ 89) of another person is endangered or domestic animals of other persons or animals subject to the hunting and fishing rights of other persons are endangered on a large scale shall be punished with imprisonment of up to three years or with a monetary penalty of up to 360 daily rates.

2) Anyone shall be punished likewise who, in violation of an existing legal provision pollutes a body of water or the air in such a way that one of the dangers referred to in paragraph 1 can arise.

## § 182

*Wilful endangerment of flora or fauna*

1) Anyone who commits an act capable of

1. bringing about the danger of spreading an epidemic among domestic animals of other persons or among animals subject to the hunting and fishing rights or other persons, or
2. greatly endangering such animals on a large scale in a manner other than set out in § 180

shall be punished with imprisonment of up to two years or with a monetary penalty of up to 360 daily rates.

2) Anyone shall be punished likewise who commits an act capable of bringing about the danger of spreading a pathogen or pest that is dangerous to agriculture or forestry.

## § 185

*Air piracy*

1) Anyone who, exploiting the special circumstances of aviation, by force or a dangerous threat against a person on board the aircraft or against a person who can influence the course of the aircraft or the safety on board, brings an aircraft under his power or control or commands such aircraft shall be punished with imprisonment of one to ten years.

2) If the act results in the death of a person or serious bodily injury (§ 84 paragraph 1) to a larger number of persons, then the perpetrator shall be punished with imprisonment of five to fifteen years, but if the act entails the death of a larger number of persons, with imprisonment of ten to twenty years or for life.

## § 186

*Wilful endangerment of aviation safety*

1) Anyone who, in a manner that can endanger the safety of an aircraft in flight,

1. uses force or threatens force against a person on board the aircraft,
2. damages the aircraft being used, or
3. destroys, damages, or interferes with the operation of aviation facilities

shall, if the act is not subject to a more severe penalty under another provision, be punished with imprisonment of one to ten years.

2) Anyone shall be punished likewise who

1. destroys an aircraft in use or damages it so that it is unable to fly, or
2. through a knowingly incorrect communication endangers the safety of an aircraft in flight.

3) If the act results in the death of a person or serious bodily injury (§ 84 paragraph 1) to a larger number of persons, then the perpetrator shall be punished with imprisonment of five to fifteen years, but if the act entails the death of a larger number of persons, with imprisonment of ten to twenty years or for life.

## Section 10

**Offences against sexual self-determination and other sexual offences<sup>1</sup>**§ 200<sup>2</sup>*Rape*

1) Anyone who coerces a person with force, deprivation of personal liberty, or a threat of present danger to life or limb (§ 89) to perform or acquiesce in sexual intercourse or an equivalent sexual act shall be punished with imprisonment of six months to ten years.

2) If the act results in serious bodily injury (§ 84 paragraph 1) or pregnancy of the raped person or if due to the act a state of agony is inflicted on the raped person for an extended period of time or the raped person is especially degraded, then the perpetrator shall be punished with imprisonment of five to fifteen years, but if the act results in the death of the raped person, with imprisonment of ten to twenty years or for life.

§ 201<sup>3</sup>*Sexual assault*

1) Anyone who, other than in the cases under § 200, coerces a person by force or a dangerous threat to perform or acquiesce in a sexual act shall be punished with imprisonment of up to three years.

2) If the act results in serious bodily injury (§ 84 paragraph 1) or if due to the act a state of agony is inflicted on the coerced person for an extended period of time or the coerced person is especially degraded, then the perpetrator shall be punished with imprisonment of six months to five years, but if the act results in the death of the coerced person, with imprisonment of one to ten years.

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1 Title preceding § 200 amended by LGBl. 2001 No. 16.

2 § 200 amended by LGBl. 2011 No. 184.

3 § 201 amended by LGBl. 2001 No. 16.

## § 204

*Sexual abuse of a defenceless or mentally impaired person<sup>1</sup>*

1) Anyone who, with respect to a defenceless person or a person who, because of mental illness, a mental disability, profound consciousness disorder, or other serious psychic impairment equivalent to one of those conditions is unable to comprehend the significance of the act or to exercise their judgement in this regard, takes advantage of such condition and abuses such person for sexual intercourse or a sexual act equivalent to sexual intercourse shall be punished with imprisonment of six months to five years.<sup>2</sup>

2) Anyone who, with respect to a defenceless person or a person who, because of mental illness, a mental disability, profound consciousness disorder, or other serious psychic impairment equivalent to one of those conditions is unable to comprehend the significance of the act or to exercise their judgement in this regard, takes advantage of such condition and sexually abuses such person other than in the case under paragraph 1 or induces such person to perform a sexual act with another person or, for the purpose of sexually arousing or gratifying the perpetrator or a third party, induces such person to perform a sexual act on himself or herself shall be punished with imprisonment of up to three years.<sup>3</sup>

3) If the act results in serious bodily injury (§ 84 paragraph 1), then the perpetrator shall be punished with imprisonment of one to ten years in the cases under paragraph 1 and imprisonment of six months to five years in the cases under paragraph 2. If the act results in the death of the abused person, however, then the perpetrator shall be punished with imprisonment of five to fifteen years in the cases under paragraph 1 and imprisonment of one to ten years in the cases under paragraph 2.<sup>4</sup>

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<sup>1</sup> § 204 heading amended by LGBl. 2011 No. 184.

<sup>2</sup> § 204 paragraph 1 amended by LGBl. 2011 No. 184.

<sup>3</sup> § 204 paragraph 2 amended by LGBl. 2011 No. 184.

<sup>4</sup> § 204 paragraph 3 amended by LGBl. 2001 No. 16.

§ 205<sup>1</sup>*Aggravated sexual abuse of underage persons*

1) Anyone who engages in sexual intercourse or a sexual act equivalent to sexual intercourse with an underage person shall be punished with imprisonment of one to ten years.

2) Anyone who induces an underage person to perform or acquiesce in sexual intercourse or a sexual act equivalent to sexual intercourse with another person or, for the purpose of sexually arousing or gratifying the perpetrator or a third party, induces such person to perform a sexual act equivalent to sexual intercourse on himself or herself shall be punished likewise.

3) If the act results in serious bodily injury (§ 84 paragraph 1) of the underage person, then the perpetrator shall be punished with imprisonment of five to fifteen years, but if the act results in the death of the underage person, with imprisonment of ten to twenty years.

4) If the age of the perpetrator exceeds the age of the underage person by not more than three years and if none of the consequences under paragraph 3 have occurred, then the perpetrator shall not be punished under paragraphs 1 and 2, unless the underage person has not yet reached the age of twelve.

§ 206<sup>2</sup>*Sexual abuse of underage persons*

1) Anyone who, other than in the case under § 205, performs a sexual act on an underage person or has an underage person perform a sexual act on him shall be punished with imprisonment of six months to five years.

2) Anyone shall be punished likewise who induces an underage person to engage in a sexual act (paragraph 1) with another person or, for the purpose of sexually arousing or gratifying the perpetrator or a third party, induces such person to perform a sexual act on himself or herself.

3) If the act results in serious bodily injury (§ 84 paragraph 1), then the perpetrator shall be punished with imprisonment of one to ten years,

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<sup>1</sup> § 205 amended by LGBl. 2001 No. 16.

<sup>2</sup> § 206 amended by LGBl. 2001 No. 16.



but if the act results in the death of the person, with imprisonment of five to fifteen years.

§ 208<sup>1</sup>

*Sexual abuse of minors*

1) Anyone who, after reaching the age of eighteen, sexually abuses a person who has not yet reached the age of sixteen, or induces such person to engage in a sexual act with another person or, for the purpose of sexually arousing or gratifying the perpetrator or another person, induces such person to perform a sexual act on himself or herself

1. by taking advantage of such person's lack of capacity for sexual self-determination, or
2. by taking advantage of hardship

shall be punished with imprisonment of up to three years.

2) Anyone shall be punished likewise who, in return for payment, sexually abuses a person who has not yet reached the age of eighteen or induces such person to engage in a sexual act with another person or, for the purpose of sexually arousing or gratifying the perpetrator or another person, induces such person to perform a sexual act on himself or herself.

3) If the act referred to in paragraph 1 or 2 results in serious bodily injury (§ 84 paragraph 1), then the perpetrator shall be punished with imprisonment of six months to five years.

§ 212<sup>2</sup>

*Abuse of a relationship of authority*

1) Anyone who, with respect to a person who is his minor child, adopted child, stepchild, or ward, and anyone who, by taking advantage of his position vis-à-vis a minor person he is raising, educating, or supervising, sexually abuses such person or, for the purpose of sexually arousing or gratifying the perpetrator or a third party, induces such person to perform a sexual act on himself or herself shall be punished with imprisonment of up to three years.

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<sup>1</sup> § 208 amended by LGBl. 2011 No. 184.

<sup>2</sup> § 212 amended by LGBl. 2001 No. 16.

## 2) Anyone who

1. as a physician or employee of a medical facility or as an employee of an educational facility or otherwise as a person working in an educational facility, with respect to a person under the care of the facility, or
2. as an official, with respect to a person who has been entrusted to his official custody, or
3. with respect to a person who has been entrusted to him due to mental or psychic illness or disability, including addiction, for purposes of counselling, treatment, or care, or
4. with respect to a person who is similarly dependent on him due to hardship, a work relationship, or in a similar manner,

by taking advantage of his position vis-à-vis such person, sexually abuses such person or, for the purpose of sexually arousing or gratifying the perpetrator or a third party, induces such person to perform a sexual act on himself or herself shall be punished likewise.

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

## § 213

*Procuration*

1) Anyone who, with respect to a person vis-à-vis whom he has a relationship referred to in § 212 and subject to the conditions set out in that provision, induces such person to engage in sexual acts with another person or arranges such sexual acts shall be punished with imprisonment of up to three years.<sup>1</sup>

2) If the perpetrator acts in order to obtain a pecuniary advantage for himself or another person, he shall be punished with imprisonment of six months to five years.

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<sup>1</sup> § 213 paragraph 1 amended by LGBl. 2001 No. 16.

§ 214<sup>1</sup>*Arrangement of sexual contacts with minors against payment*

1) Anyone who brings about the personal proximity of an underage person with another person for the purpose of performing a sexual act, in order to obtain a pecuniary advantage for himself or another, shall be punished with imprisonment of up to five years.

2) Anyone who, other than in the case under paragraph 1, brings about the personal proximity of a minor with another person for the purpose of performing a sexual act, in order to obtain a pecuniary advantage for himself or another, shall be punished with imprisonment of up to two years.

§ 215a<sup>2</sup>*Promotion of prostitution and pornographic depictions of minors*

1) Anyone who recruits a minor person, even if that person already engages in prostitution, to engage in prostitution or to participate in a pornographic depiction or offers or arranges that person for another for that purpose, shall be punished with imprisonment of up to three years. Anyone shall be punished likewise who exploits a minor person in this connection in order to obtain a pecuniary advantage for himself or another, where that minor person engages in prostitution or participates in a pornographic depiction. Anyone who commits the act against an underage person shall be punished with imprisonment of six months to five years.

2) Anyone who commits the act as part of a criminal group, with the severe use of force, or in such a way that the life of the person is endangered wilfully or grossly negligently by the act or the act results in a particularly severe disadvantage for the person, shall be punished with imprisonment of six months to five years. Anyone who commits such an act against an underage person shall be punished with imprisonment of one to ten years.

3) Anyone shall be deemed to participate in a pornographic depiction who performs a sexual act on himself or herself, another person, or an animal, where that act is reduced to the act itself, separated from other expressions of life, and serves to sexually arouse a spectator, or who has

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<sup>1</sup> § 214 amended by LGBl. 2011 No. 184.

<sup>2</sup> § 215a inserted by LGBl. 2011 No. 184.

such an act performed on himself or herself, or in that way displays his or her genitalia or pubic region.

4) Anyone who knowingly attends a pornographic depiction in which minors participate shall be punished with imprisonment of up to three years.

#### § 216

##### *Pimping*<sup>1</sup>

1) Anyone who, with the intent to obtain regular income from the prostitution of another person, takes advantage of such person shall be punished with imprisonment of up to one year.<sup>2</sup>

2) Anyone who, with the intent to obtain regular income from the prostitution of another person, exploits or intimidates such person or dictates the conditions of prostitution or takes advantage of several such persons at the same time shall be punished with imprisonment of up to three years.<sup>3</sup>

3) Anyone who prevents a person from renouncing prostitution through intimidation shall likewise be punished with imprisonment of up to three years.<sup>4</sup>

4) Anyone who commits an act carrying a penalty under the preceding provisions as a member of a criminal group shall be punished with imprisonment of six months to five years.<sup>5</sup>

5) The perpetrator shall be punished with imprisonment of six months to five years if the person taken advantage of has not yet reached the age of eighteen.<sup>6</sup>

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1 § 216 heading amended by LGBl. 2001 No. 16.

2 § 216 paragraph 1 amended by LGBl. 2001 No. 16.

3 § 216 paragraph 2 amended by LGBl. 2001 No. 16.

4 § 216 paragraph 3 amended by LGBl. 2001 No. 16.

5 § 216 paragraph 4 amended by LGBl. 2007 No. 186.

6 § 216 paragraph 5 amended by LGBl. 2001 No. 16.

## § 217

*Cross-border trafficking for prostitution<sup>1</sup>*

1) Anyone who, even if the person concerned already engages in prostitution, arranges or recruits a person to engage in prostitution in a State other than the person's State of citizenship or habitual abode shall be punished with imprisonment of six months to five years, but if he commits the act on a professional basis, with imprisonment of one to ten years.<sup>2</sup>

2) Anyone who, with the intent to have a person (paragraph 1) engage in prostitution in a State other than the person's State of citizenship or habitual abode, induces such person through deception regarding this purpose or coerces such person by force or a dangerous threat to go to another State, or, by force or by taking advantage of such person's mistake in regard to this purpose, transports such person to another State, shall be punished with imprisonment of one to ten years.<sup>3</sup>

§ 219<sup>4</sup>*Pornographic depictions of minors*

1) Anyone who

1. produces,
2. obtains or possesses, or
3. offers, procures, transfers, presents, or makes available in any other matter to another person,

a pornographic depiction of a minor (paragraph 5) shall be punished with imprisonment of up to three years.

2) Anyone who produces, imports, transports, or exports a pornographic depiction of a minor (paragraph 5) for the purpose of dissemination or who commits an act referred to in paragraph 1 on a professional basis shall be punished with imprisonment of up to five years.

3) Anyone who commits the act as a member of a criminal group or in such a way that it results in an particularly severe disadvantage to the

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<sup>1</sup> § 217 heading amended by LGBl. 2007 No. 186.

<sup>2</sup> § 217 paragraph 1 amended by LGBl. 2001 No. 16.

<sup>3</sup> § 217 paragraph 2 amended by LGBl. 2001 No. 16.

<sup>4</sup> § 219 amended by LGBl. 2011 No. 184.

minor shall be punished with imprisonment of one to ten years; anyone shall be punished likewise who produces a pornographic depiction of a minor (paragraph 5) with severe use of force or who wilfully or grossly negligently endangers the life of the depicted minor when producing the pornographic depiction.

4) Anyone who with the help of information or communication technology knowingly accesses a pornographic depiction of minors shall be punished with imprisonment of up to two years.

5) The following shall be deemed pornographic depictions of minors:

1. images or pictorial representations of a sexual act on a minor or of a minor on himself or herself, another person, or an animal,
2. images or pictorial representations of the genitalia or the pubic region of minors, to the extent they are images reduced to the image itself and separated from other expressions of life, serving to sexually arouse the spectator.

6) Anyone who produces or possesses a pornographic depiction of an adolescent with the adolescent's consent and for the adolescent's own use shall not be punished in accordance with paragraph 1(1) and (2).

7) Objects or presentations for the purpose of this provision shall not be deemed pornographic if they have a cultural or scientific value worthy of protection.

## Section 12

### **Offences against the reliability of documents and evidentiary marks**

#### § 223

##### *Forgery or falsification of documents*

1) Anyone who creates a forged document or who falsifies an authentic document, with the intent to use it in legal transactions to prove a right, a legal relationship, or a fact, shall be punished with imprisonment of up to one year.

2) Anyone shall be punished likewise who uses a forged or falsified document in legal transactions to prove a right, a legal relationship, or a fact.

## § 224

*Forgery or falsification of specially protected documents*

Anyone who commits an act punishable under § 223 with respect to a domestic public document, a foreign public document considered equivalent by law or international treaty to a domestic public document, a testamentary disposition, or a security not mentioned in § 237 shall be punished with imprisonment of up to two years.

## Section 13

**Offences against the security of transactions with money, securities, and official stamps**

## § 232

*Counterfeiting money*

1) Anyone who counterfeits or falsifies money with the intent to introduce it into circulation as authentic and unfalsified shall be punished with imprisonment of one to ten years.

2) Anyone shall be punished likewise who accepts such counterfeit or falsified money with the consent of a participant (§ 12) in the counterfeiting or an intermediary with the intent to introduce it into circulation as authentic and unfalsified.

## § 233

*Passing on counterfeit or falsified money*

1) Anyone who, other than in the case under § 232 paragraph 2,

1. accepts counterfeit or falsified money or otherwise obtains it with the intent that it be passed off as authentic and unfalsified, or
2. passes off counterfeit or falsified money as authentic and unfalsified

shall be punished with imprisonment of up to three years.

2) Anyone who commits the act with respect to counterfeit or falsified money to an extent of a particularly high value shall be punished with imprisonment of six months to five years.

## § 234

*Reducing coins and passing on reduced coins*

1) Anyone who reduces a coin with the intent that it be passed off as full-value shall be punished with imprisonment of six months to five years.

2) Anyone who

1. with the intent that it be passed off as full-value, accepts a reduced coin from another person or otherwise obtains a reduced coin, or
2. passes off a reduced coin as full-value

shall be punished with imprisonment of up to three years. Anyone who commits the act with respect to reduced coins to an extent of a particularly high value shall be punished with imprisonment of six months to five years.

## § 241

*Foreign money, securities, and official stamps*

The provisions in this section shall apply also to foreign money, securities, and official stamps.

## Section 14

**High treason and other attacks against the State**

## § 242

*High treason*

1) Anyone who, by force or the threat of force, undertakes to change the Constitution of the Principality of Liechtenstein or to separate territory belonging to the Principality of Liechtenstein shall be punished with imprisonment of ten to twenty years.

2) An undertaking within the meaning of paragraph 1 shall also include a mere attempt.



## § 244

*Preparation of high treason*

1) Anyone who arranges with another person to jointly commit high treason shall be punished with imprisonment of one to ten years.

2) Anyone shall be punished likewise who prepares high treason in another manner and thereby brings about or considerably enhances the danger of an undertaking of high treason or who prepares high treason in collaboration with a foreign power.

## § 246

*Subversive groups*

1) Anyone who establishes a group, the purpose of which, even if not exclusively, is to subvert the independence, the system of State laid down in the Constitution, or a constitutional institution of the Principality of Liechtenstein in a manner contrary to the laws shall be punished with imprisonment of six months to five years.

2) Anyone who participates in such a group in a leading capacity, recruits members, or supports the group with financial means or in another significant way shall be punished likewise.

3) Anyone who otherwise participates in such a group or supports such a group in a manner other than referred to in paragraph 2 shall be punished with imprisonment of up to one year.

## Section 15

**Attacks against the highest bodies of the State**

## § 249

*Force and dangerous threat against the Reigning Prince*

Anyone who, by force or a dangerous threat, undertakes (§ 242 paragraph 2) to depose the Reigning Prince or by one of those means to coerce him to exercise or prevent him from exercising his powers at all or in a particular way shall be punished with imprisonment of one to ten years.

## § 250

*Coercion of Parliament or the Government*

Anyone who, by force or the threat of force, undertakes (§ 242 paragraph 2) to coerce Parliament or the Government to exercise or prevent them from exercising their powers at all or in a particular way shall be punished with imprisonment of one to ten years.

## § 251

*Coercion of Members of Parliament or Ministers*

Anyone who, by force or a dangerous threat, coerces a Member of Parliament or a Minister to exercise or prevents him from exercising his powers at all or in a particular way shall be punished with imprisonment of six months to five years, and in the case of serious coercion (§ 106) with imprisonment of one to ten years.

## Section 16

### Treason

#### § 252

##### *Betrayal of State secrets*

1) Anyone who divulges a State secret or makes a State secret available to a foreign power or a supranational or international institution shall be punished with imprisonment of one to ten years.

2) Anyone who divulges a State secret or makes a State secret available to the public shall be punished with imprisonment of six months to five years. If the State secret concerns facts that pose a threat to the Constitution (paragraph 3), then the perpetrator shall, however, be punished only if he acts with the purpose of inflicting a disadvantage upon the Principality of Liechtenstein. The mistaken assumption that facts pose a threat to the Constitution shall not absolve the perpetrator of punishment.

3) Facts that pose a threat to the Constitution shall mean those that disclose efforts to, in an unconstitutional way, eliminate the monarchic, democratic, or parliamentary structure or the rule of law of the Principality of Liechtenstein or to abolish or limit a constitutionally guaranteed right or to repeatedly violate such a right.

#### § 254

##### *Spying out State secrets*

1) Anyone who withholds or obtains a State secret with the intent to divulge it or make it available to a foreign power, a supranational or international institution, or the public, and thereby to bring about the danger of a severe disadvantage to the national defence of the Principality of Liechtenstein or to the relations of the Principality of Liechtenstein with a foreign power or supranational or international institution, shall be punished with imprisonment of six months to five years.

2) § 253 paragraph 2 shall apply *mutatis mutandis*.

## § 257

*Aiding enemy armed forces*

1) A Liechtenstein citizen who, during a war or an armed conflict in which the Principality of Liechtenstein is involved, enters the services of enemy armed forces or bears arms against the Principality of Liechtenstein shall be punished with imprisonment of one to ten years.

2) Anyone shall be punished likewise who, during a war or an armed conflict in which the Principality of Liechtenstein is involved or in the face of immediately imminent danger of such a war or armed conflict, provides an advantage to the enemy armed forces. Foreign citizens shall be punished under this provision only if they commit the act while they are situated in Liechtenstein.

## § 258

*Treasonous falsification and destruction of evidence*

1) Anyone who

1. with respect to a legal relationship between the Principality of Liechtenstein and a foreign power or a supranational or international institution, or
2. with respect to a fact that is of importance to the relations between the Principality of Liechtenstein and a foreign power or a supranational or international institution

manufactures forged evidence or falsifies, destroys, damages, or eliminates authentic evidence and thereby endangers the interests of the Principality of Liechtenstein shall be punished with imprisonment of six months to five years.

2) Anyone who makes use of such forged or falsified evidence and thereby endangers the interests of the Principality of Liechtenstein shall be punished likewise.

## Section 17

**Offences against the national defence**

## § 259

*Breach of the duty to defend the country*

Anyone who, in the case of mobilization, breaches his duty to defend the country shall be punished with imprisonment of six months to five years.

## § 260

*Sabotage of weaponry*

Anyone who fails to manufacture or deliver or defectively manufactures or delivers weaponry, a facility, or an installation that exclusively or predominantly serves the national defence or the protection of the civilian population against the dangers of war, or a material intended for that purpose in breach of an obligation he has taken on, and in that way knowingly endangers the national defence or the protection of the civilian population shall, unless the act is subject to a more severe punishment under another provision, be punished with imprisonment of six months to five years.

## Section 19

**Offences against the power of the State**

## § 269

*Resistance to State authorities*

1) Anyone who, by force or the threat of force, prevents an authority from performing an official act and anyone who, by force or a dangerous threat, prevents an official from performing an official act shall be punished with imprisonment of up to three years, but in the case of serious coercion (§ 106) with imprisonment of six months to five years.

2) Anyone shall be punished likewise who, by force or the threat of force, coerces an authority or, by force or a dangerous threat, coerces an official to perform an official act.

3) Only an act by which the official exercises the power of command or compulsion as a body of the sovereign administration or the judiciary shall be deemed an official act for the purpose of paragraphs 1 and 2.

4) The perpetrator shall not be punished under paragraph 1 if the authority or the official is not entitled to perform the kind of official act concerned or if the official act violates provisions of criminal law.

## Section 20

### Offences against the public peace

#### § 277

##### *Criminal conspiracy*

1) Anyone who arranges with another person to jointly commit murder (§ 75), extortionate kidnapping (§ 102), delivery to a foreign power (§ 103), slave trade (§ 104), robbery (§ 142), an offence dangerous to public safety under §§ 169, 171, 173, 176, 185, or 186 or cross-border trafficking for prostitution (§ 217) shall be punished with imprisonment of six months to five years.<sup>1</sup>

2) A person shall not be punished under paragraph 1 who voluntarily, by notifying the authority (§ 151 paragraph 3) or the person in danger or otherwise, prevents the intended offence. If, without the involvement of the perpetrator, the offence is not committed, the perpetrator shall not be punished if he voluntarily and earnestly makes efforts to prevent the offence, even if he is not aware that the offence is not committed.

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<sup>1</sup> § 277 paragraph 1 amended by LGBl. 2007 No. 186.

§ 278<sup>1</sup>*Criminal group*

1) Anyone who establishes a criminal group or participates in such a criminal group as a member shall be punished with imprisonment of up to three years.

2) A criminal group shall mean an affiliation intended to exist for an extended period of time of more than two persons aiming at the commission of one or more crimes, other substantial acts of violence against life and limb, not merely petty damage to property, theft or fraudulent acts, or misdemeanours under §§ 104a, 165 paragraphs 1 and 2, 233 to 239, 304 or 307, by one or more members of the group.

3) A person shall be deemed to participate as a member in a criminal group who commits an offence within the scope of the group's criminal aim or participates in its criminal activities by providing information or assets or in any other way with the knowledge that he is thereby promoting the group or its offences.

4) Where the group has not resulted in any offence of the planned kind, no member shall be punished if the group disbands voluntarily or its conduct otherwise indicates that it has voluntarily renounced its undertaking. Moreover, no one shall be punished for the act of criminal group who voluntarily resigns from the group before an act of the planned kind has been carried out or attempted; anyone who has participated in a leading capacity in the group shall be exempt from such punishment if he voluntarily notifies the authority (§ 151 paragraph 3) or otherwise causes the danger arising from the group to be eliminated.

§ 278a<sup>2</sup>*Criminal organization*

Anyone who establishes an enterprise-like association of a larger number of persons that is intended to exist for an extended period of time or who participates in such an association as a member (§ 278 paragraph 3) or supports it financially, and such association,

1. even if not exclusively, aims to commit on a repeated and planned basis serious offences that threaten life, physical integrity, liberty, or assets, or serious offences relating to the sexual exploitation of

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<sup>1</sup> § 278 amended by LGBl. 2007 No. 186.

<sup>2</sup> § 278a amended by LGBl. 2007 No. 186.

human beings, smuggling of human beings, or unlawful commerce in weapons, nuclear and radioactive material, toxic waste, counterfeit money, or narcotics,

2. thereby aims to obtain enrichment on a large scale or substantial influence on politics and economics, and
3. aims to corrupt or intimidate others or to shield itself in a special way against prosecution measures,

shall be punished with imprisonment of one to ten years. § 278 paragraph 4 shall apply *mutatis mutandis*.

#### § 278b

##### *Terrorist group*<sup>1</sup>

1) Anyone who leads a terrorist group (paragraph 3) shall be punished with imprisonment of five to fifteen years. Anyone who leads a terrorist group that limits itself to the threat of terrorist offences (§ 278c paragraph 1) shall be punished with imprisonment of one to ten years.<sup>2</sup>

2) Anyone who participates in a terrorist group as a member (§ 278 paragraph 3) or who supports the group financially shall be punished with imprisonment of one to ten years.<sup>3</sup>

3) A terrorist group shall mean an affiliation of more than two persons intended to exist for an extended period of time and aimed at the commission of one or more terrorist offences (§ 278c) by one or more of its members.<sup>4</sup>

#### § 278c

##### *Terrorist offences*<sup>5</sup>

1) Terrorist offences shall be deemed to be<sup>6</sup>

1. murder (§ 75),<sup>7</sup>
2. bodily injury according to §§ 84 to 87,<sup>1</sup>

1 § 278b heading inserted by LGBl. 2003 No. 236.

2 § 278b paragraph 1 inserted by LGBl. 2003 No. 236.

3 § 278b paragraph 2 amended by LGBl. 2007 No. 186.

4 § 278b paragraph 3 inserted by LGBl. 2003 No. 236.

5 § 278c heading inserted by LGBl. 2003 No. 236.

6 § 278c paragraph 1, introductory sentence inserted by LGBl. 2003 No. 236.

7 § 278c paragraph 1(1) inserted by LGBl. 2003 No. 236.



3. extortionate kidnapping (§ 102),<sup>2</sup>
4. aggravated coercion (§ 106),<sup>3</sup>
5. dangerous threat according to § 107 paragraph 2,<sup>4</sup>
6. serious damage to property (§ 126) and damage to data (§ 126a), if this might result in danger to the life of another or property belonging to another on a large scale,<sup>5</sup>
7. offences wilfully dangerous to public safety (§§ 169, 171, 173, 175, 176, 178 and article 34 of the War Material Act) or wilful endangerment through pollution of water or air (§ 180),<sup>6</sup>
8. air piracy (§ 185),<sup>7</sup>
9. wilful endangerment of aviation safety (§ 186) or,<sup>8</sup>
10. an offence under article 60 of the Weapons Act,<sup>9</sup>

if the act is likely to bring about serious or enduring disruption of public life or serious damage to economic activity, and if the act is committed with the intent to intimidate the population in a grave way, to coerce public authorities or an international organization into an act, acquiescence, or omission, or to seriously subvert or destroy the fundamental political, constitutional, economic, or social structures of a State or international organization.<sup>10</sup>

2) Anyone who commits a terrorist offence within the meaning of paragraph 1 shall be punished in accordance with the law applicable to the act referred to therein, but the maximum penalty the act carries shall be increased by half, up to at most twenty years.<sup>11</sup>

3) The act shall not be deemed a terrorist offence if it is aimed at the establishment or reestablishment of democracy and the rule of law, or if it is aimed at the exercise or protection of human rights.<sup>12</sup>

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1 § 278c paragraph 1(2) inserted by LGBl. 2003 No. 236.

2 § 278c paragraph 1(3) inserted by LGBl. 2003 No. 236.

3 § 278c paragraph 1(4) inserted by LGBl. 2003 No. 236.

4 § 278c paragraph 1(5) inserted by LGBl. 2003 No. 236.

5 § 278c paragraph 1(6) inserted by LGBl. 2003 No. 236.

6 § 278c paragraph 1(7) inserted by LGBl. 2003 No. 236.

7 § 278c paragraph 1(8) inserted by LGBl. 2003 No. 236.

8 § 278c paragraph 1(9) inserted by LGBl. 2003 No. 236.

9 § 278c paragraph 1(10) amended by LGBl. 2008 No. 277.

10 § 278c paragraph 1, final sentence inserted by LGBl. 2003 No. 236.

11 § 278c paragraph 2 inserted by LGBl. 2003 No. 236.

12 § 278c paragraph 3 inserted by LGBl. 2003 No. 236.

## § 278d

*Terrorist financing*<sup>1</sup>

1) Anyone who makes available or collects assets with the intent that they be used, even only in part,

1. to carry out

- a) air piracy (§ 185) or wilful endangerment of aviation safety (§ 186),
- b) extortionate kidnapping (§ 102) or a threat thereof,
- c) an attack upon the life, limb, or liberty of a person protected under international law or a violent attack upon the private accommodation, official premises, or means of transportation of such a person likely to endanger his life, limb, or liberty, or a threat to commit any such attack,
- d) wilful endangerment through nuclear energy or ionizing radiation (§ 171), the threat thereof, an offence to obtain nuclear or radioactive material, or a threat to commit theft or robbery of nuclear or radioactive material, in order to coerce another person into an act, acquiescence, or omission,
- e) a substantial attack against the life or limb of another person at an airport serving international civil aviation, the destruction of or substantial damage to such an airport or an aircraft located at such an airport, or the disruption of the services of an airport, where the act is committed using a weapon or other device and is likely to endanger safety at the airport,
- f) an offence committed against a ship or fixed platform, against a person on board a ship or fixed platform, against the cargo of a ship or against a maritime navigational facility, in a manner described in §§ 185 or 186,
- g) the delivery of an explosive or other lethal device to a place of public use, a State or public facility, a public transportation system or an infrastructure facility, or the use of such means with the goal of causing death or serious bodily injury to another person or extensive destruction of the place, facility, or system, where such destruction is likely to result in major economic loss,
- h) an act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the goal of such

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<sup>1</sup> § 278d heading inserted by LGBl. 2003 No. 236.

act, by its nature or context, is to intimidate a population or to compel a government or an international organization to do or to refrain from doing any act, or

2. by a person or a group (§ 278b paragraph 3) committing an act referred to in point 1 or participating in such a group as a member (§ 278b paragraph 2),

shall be punished with imprisonment of six months to five years.<sup>1</sup>

2) The perpetrator shall not be punished in accordance with paragraph 1 if a different provision provides for a more severe sentence.<sup>2</sup>

#### § 281

##### *Incitement to violate laws*

Anyone who, in a printed work, on the radio, on television, or in another manner that makes it accessible to a general public, incites to general disobedience of a law shall be punished with imprisonment of up to one year.

#### § 282

##### *Incitement to commit acts carrying a penalty and endorsement of acts carrying a penalty*

1) Anyone who, in a printed work, on the radio, on television, or in another manner that makes it accessible to a general public, incites to commit an act carrying a penalty shall be punished with imprisonment of up to two years, if he is not subject to a more severe penalty as a participant in that act (§ 12).

2) Anyone shall be punished likewise who, in the manner referred to in paragraph 1, endorses a wilfully committed act carrying a penalty of imprisonment of more than one year in a way likely to shock the general sense of justice or to excite commission of such an act.

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<sup>1</sup> § 278d paragraph 1 amended by LGBl. 2009 No. 49.

<sup>2</sup> § 278d paragraph 2 inserted by LGBl. 2003 No. 236.

## Section 21

**Offences against the administration of justice**

## § 288

*False testimony in court*

1) Anyone who as a witness or, unless he is simultaneously a party, as a person providing information gives false testimony on the matter during his formal questioning, or as an expert provides a false finding or a false opinion, shall be punished with imprisonment of up to three years.

2) Anyone who gives false testimony (paragraph 1) under oath or confirms false testimony by an oath or otherwise commits perjury in court with respect to an oath provided by law shall be punished with imprisonment of six months to five years. Reference to an earlier oath shall be considered equivalent to an oath, and in the case of persons exempt from the duty to swear an oath, the affirmation provided for in lieu of an oath shall be considered equivalent to an oath.

3) Anyone shall likewise be punished in accordance with paragraph 1 who, as a witness or expert, commits one of the acts referred to in that paragraph in proceedings conducted by the National Police in accordance with the Code of Criminal Proceedings.<sup>1</sup>

## § 297

*False suspicion*

1) Anyone who suspects another person of an act carrying a penalty or of a violation of an official or professional duty, where the suspicion is reported to an authority with the purpose to deliver that person to prosecution by an authority, shall, if he knows (§ 5 paragraph 3) that the suspicion is false, be punished with imprisonment of up to one year, but if the falsely alleged act carries a penalty of imprisonment of more than one year, with imprisonment of six months to five years.

2) Anyone who voluntarily averts the danger of prosecution by an authority before the authority has done anything to prosecute the suspected person shall not be punished in accordance with paragraph 1.

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<sup>1</sup> § 288 paragraph 3 inserted by LGBl. 2012 No. 267.

## Section 22

**Punishable violations of official duties and related offences**

## § 302

*Abuse of official powers*

1) An official who, with the intent to injure another person with respect to his rights, knowingly abuses his powers to conduct official acts in the name of the State, a municipal association, a municipality, or another person under public law as its organ in the execution of the laws shall be punished with imprisonment of six months to five years.

2) Anyone who commits the act while conducting official acts with a foreign power or a supranational or international institution shall be punished with imprisonment of one to ten years.

§ 304<sup>1</sup>*Acceptance of gifts by officials*

1) An official who demands, accepts, or obtains a promise of an advantage for himself or a third party in return for the performance or omission of an official act contrary to duty shall be punished with imprisonment of up to three years.

2) An official who demands, accepts, or obtains a promise of an advantage for himself or a third party in return for the performance or omission of an official act not contrary to duty shall be punished with imprisonment of up to one year.

3) If the value of the advantage exceeds 10,000 francs, then the perpetrator shall be punished with imprisonment of up to five years in the case of paragraph 1 and with imprisonment of up to three years in the case of paragraph 2.

4) Anyone who merely accepts or obtains a promise of a minor advantage shall not be punished in accordance with paragraph 2 unless the act is committed on a professional basis.

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<sup>1</sup> § 304 amended by LGBl. 2000 No. 256.

§ 305<sup>1</sup>*Acceptance of gifts by managing employees of a public enterprise*

1) Anyone who demands, accepts, or obtains a promise of an advantage for himself or a third party in return for the performance or omission of a legal act which he can perform as a managing employee of a public enterprise shall be punished with imprisonment of up to one year, but if his intent is directed at the performance or omission of a legal act contrary to duty, he shall be punished with imprisonment of up to three years.

2) If the performance or omission of the legal act is not contrary to duty, then the perpetrator shall not be punished in accordance with paragraph 1 if he merely accepts or obtains a promise of a minor advantage and does not commit the act on a professional basis.

§ 306<sup>2</sup>*Acceptance of gifts by experts*

An expert appointed by a court or another authority for specific proceedings who demands, accepts, or obtains a promise of an advantage for himself or a third party in return for submission of an untrue finding or opinion shall be punished with imprisonment of up to three years.

§ 306a<sup>3</sup>*Acceptance of gifts by staff members and expert advisors*

1) A staff member of a managing employee of a public enterprise who regularly influences the business management through information, proposals, or documentation and who in this capacity demands, accepts, or obtains a promise of an advantage for himself or a third party in return for conduct aimed at influencing the performance or omission contrary to duty of a legal act by the managing employee shall be punished with imprisonment of up to one year.

2) An expert advisor performing services for compensation who significantly influences an official or a managing employee of a public

1 § 305 amended by LGBl. 2000 No. 256.

2 § 306 amended by LGBl. 2000 No. 256.

3 § 306a inserted by LGBl. 2000 No. 256.

enterprise in conducting official business or business management through information, proposals, or documentation and who in this capacity demands, accepts, or obtains a promise of an advantage for himself or a third party in return for conduct aimed at influencing the performance or omission contrary to duty of an official act by the official or a legal act by the managing employee shall be punished in the same manner.

§ 307<sup>1</sup>

*Bribery*

1) Anyone who offers, promises, or grants an advantage to

1. an official, a Member of Parliament or of a Municipal Council, or a foreign official, in return for the performance or omission of an official act contrary to duty (§ 304 paragraph 1),
  2. a managing employee of a public enterprise, in return for the performance or omission of a legal act contrary to duty (§ 305 paragraph 1),
  3. an expert, in return for submission of an untrue finding or opinion (§ 306),
  4. a staff member of a managing employee of a public enterprise, in return for conduct aimed at influencing the performance or omission contrary to duty of a legal act (§ 306a paragraph 1),
  5. an expert advisor performing services for compensation, in return for conduct aimed at influencing the performance or omission contrary to duty of an official act or a legal act (§ 306a paragraph 2),
- for that person or for a third party, shall be punished with imprisonment of up to two years.

2) Anyone who offers, promises, or grants an advantage that is not merely minor to

1. an official, in return for the performance or omission of an official act not contrary to duty (§ 304 paragraph 2), or
2. a managing employee of a public enterprise, in return for the performance or omission of a legal act not contrary to duty (§ 305 paragraph 1),

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<sup>1</sup> § 307 amended by LGBl. 2000 No. 256.

for that person or for a third party, shall be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates, unless the perpetrator cannot be faulted for offering, promising, or granting that advantage under the circumstances.

### § 308

#### *Prohibited intervention*

1) Anyone who knowingly and directly or indirectly exerts influence so that an official, a managing employee of a public enterprise, a Member of Parliament or a Municipal Council, or a foreign official performs or omits an official duty or legal act falling within his scope of responsibilities on behalf of a party, and who demands, accepts, or obtains a promise of an advantage for himself or a third party in return for this exertion of influence, shall be punished with imprisonment of up to three years.<sup>1</sup>

2) Anyone who merely accepts or obtains a promise of a minor advantage shall not be punished under paragraph 1 unless the act is committed on a professional basis.<sup>2</sup>

3) A person shall not be punished under paragraph 1 if he acts within the scope of his powers to engage in representation against payment.

### § 312

#### *Inflicting agony on or neglecting a prison inmate*

1) An official who inflicts physical or emotional agony on a prison inmate or other person in custody pursuant to official orders who is subject to his power or to whom he has official access shall be punished with imprisonment of up to two years.

2) An official shall be punished likewise who grossly neglects his obligation of care or custody with respect to such person and thereby, even if only negligently, causes considerable damage to the person's health or physical or mental development.

3) If the act results in serious bodily injury (§ 84 paragraph 1), then the perpetrator shall be punished with imprisonment of up to three years; if the act results in bodily injury with serious lasting consequences

<sup>1</sup> § 308 paragraph 1 amended by LGBl. 2000 No. 256.

<sup>2</sup> § 308 paragraph 2 amended by LGBl. 2000 No. 256.



(§ 85), with imprisonment of up to five years; if the act results in the death of the injured person, with imprisonment of one to ten years.

### § 313

#### *Offences while taking advantage of an official position*

If a wilful act that otherwise likewise carries a penalty is committed by an official while taking advantage of an opportunity afforded by his official position, then the maximum penalty of imprisonment or monetary penalty provided may be exceeded by half in respect of that official. However, the time-limited term of imprisonment may not exceed twenty years.

## Section 24

### **Disruption of foreign relations**

### § 316

#### *Attacks of high treason against a foreign State*

1) Anyone who, by force or the threat of force, undertakes (§ 242 paragraph 2) in Liechtenstein to change the constitution of a foreign State or to separate territory belonging to a foreign State shall be punished with imprisonment of six months to five years.

2) § 243 shall apply *mutatis mutandis*.

**Section 25****Genocide**

## § 321

*Genocide*

1) Anyone who, with the intent to destroy, in whole or in part, a group determined by its affiliation with a church or religious community, a race, a people, a tribe, or a State, kills members of the group, causes serious bodily (§ 84 paragraph 1) or mental harm, deliberately inflicts on the group conditions of life calculated to bring about its physical destruction in whole or in part, imposes measures intended to prevent births within the group, or, by force or the threat of force, transfers children of the group to another group, shall be punished with imprisonment for life.

2) Anyone who arranges with another person to jointly commit one of the offences referred to in paragraph 1 shall be punished with imprisonment of one to ten years.

*This unofficial translation is provided for information purposes only and has no legal force.*

Data Protection Act (*Datenschutzgesetz, DSG*)

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## **Liechtenstein Law Gazette**

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### **Data Protection Act**

of 14 March 2002

I hereby grant My consent to the following resolution adopted by the Diet:

#### **I. General provisions**

##### Article 1

###### *Objective*

1) This Act shall seek to protect the personality and fundamental rights of those individuals about whom data is processed.

2) This Act implements EU Directive 95/46 of 24 October 1995 on the protection of individuals with regard to the processing of personal data and the free movement of such data (EEA Compendium of Laws: Appendix. XI - 5e.01).

##### Article 2

###### *Scope*

1) This Act shall regulate the processing of data about natural and legal persons undertaken by:

- a) private individuals
- b) authorities

2) This Act shall also regulate the processing of all data:

- a) conducted as part of the activities of a branch of the file controller in Liechtenstein;

- b) conducted by a file controller established in a place where the law of Liechtenstein is applicable;
- c) conducted by a file controller not established in the European Economic Area and making use of automated or non-automated means located in Liechtenstein for the purpose of processing data, unless such means are used solely for the purpose of passage through the European Economic Area. Notwithstanding his responsibilities to the Data Protection Office, the file controller must appoint a representative in Liechtenstein.<sup>1</sup>

3) This Act shall not apply to:

- a) personal data that is processed by a natural person exclusively for personal use and that is not disclosed to a third party;
- b) deliberations of the Diet and its committees;
- c) pending civil proceedings or administrative complaint proceedings<sup>2</sup>;
- d) cases pending before the State Court;
- e) the activities of the National Audit Office;
- f) cancelled<sup>3</sup>
- g) cancelled<sup>4</sup>

4) The above provisions shall be subject to differing and supplementary provisions in other Acts, provided such provisions ensure the protection of data from unauthorised processing in terms of this Act.

### Article 3

#### *Definitions*

1) The expressions below shall be defined as follows:

- a) "**personal data (data)**": all information relating to an identified or identifiable person;

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<sup>1</sup> Art. 2 (2)(c) amended by LGBl. 2008 no. 273.

<sup>2</sup> Art. 2 (3)(c) amended by LGBl. 2012 no. 28.

<sup>3</sup> Art. 2 (3)(f) cancelled by LGBl. 2009 no. 46.

<sup>4</sup> Art. 2 (3)(g) cancelled by LGBl. 2009 no. 46

- b) "**data subjects**": the natural or legal persons and legal partnerships about whom data is processed;
- c) "**private individuals**": natural or legal persons and legal partnerships which are subject to private law;
- d) "**authorities**": organs of the state, municipalities, corporations, foundations, establishments, and private institutions which are actively performing public duties assigned to them;
- e) "**sensitive data**": data relating to:
  - aa) religious, philosophical, or political opinions or activities,
  - bb) health, sexuality, or racial origin,
  - cc) social security files,
  - dd) criminal or administrative proceedings and penalties;
- f) "**personal profile**": a collection of data that allows the appraisal of fundamental characteristics of the personality of a natural person;
- g) "**processing of personal data**": any operations relating to personal data, such as the collection, storage, use, modification, communication, archiving, or destruction of data;
- h) "**disclosure of personal data**": rendering data accessible, for example allowing the inspection, communication, or publication of personal data;
- i) "**file**": any collection of personal data whose structure facilitates a search for data on a particular data subject;
- k) "**file controller (controller)**": the private persons or authorities who decide on the purpose and content of the file;
- l) "**recipient**": the private individual, authority, institution, or any other body which receives data, regardless of whether or not it constitutes a third party. However, authorities which may receive data as part of an individual investigation shall not be considered recipients;
- m) "**consent of the data subject**": any declaration of intent not given under duress, given for the specific case and in knowledge of the situation, by which declaration the data subject accepts that data relating to him will be processed.

n) "**public place**": a place the accessibility of which is determined by general criteria that may be met by any person.<sup>1</sup>

2) Unless otherwise specified in this Act, the masculine terms used in this Act and related to natural persons shall indicate members of both the male and female sexes.

## II. Use of data

### A. General provisions

#### Article 4

##### *Principles*

1) Personal data may only be processed in a lawful manner.<sup>2</sup>

2) Processing must be conducted in good faith and must not be excessive.

3) Personal data may only be processed for the purpose which was either given during its collection or which is provided for by law.<sup>3</sup>

4) If the consent of the data subject is required for the processing of personal data, such consent is not valid unless it has been given voluntarily and following adequate information. In the processing of sensitive data or personal profiles, such consent shall be required to be given expressly.<sup>4</sup>

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<sup>1</sup> Art. 3 (n) inserted by LGBl. 2009 no. 46.

<sup>2</sup> Art. 4 (1) amended by LGBl. 2009 no. 46.

<sup>3</sup> Art. 4 (3) amended by LGBl. 2009 no. 46.

<sup>4</sup> Art. 4 (4) inserted by LGBl. 2009 no. 46.

Article 5<sup>1</sup>

*Prior information*

1) In the event that data is collected, the file controller must inform the data subject about this; this obligation to inform shall apply even where the data is not collected from the data subject.

2) The data subject must be provided with the following information at the least:

- a) the identity of the file controller, and the latter's representative if applicable;
- b) the purpose of the processing;
- c) the categories of data recipients, if a disclosure of the data is intended;
- d) the categories of the data, if the data is not collected from the data subject;
- e) the right to rectification pursuant to Art. 7 and the right to information pursuant to Art. 11;
- f) the consequences of any refusal of the data subject to provide the personal data requested.

3) If the data was not collected from the data subject, the latter must be informed at the latest with the storage of the data or, if the data is not stored, with its first disclosure to third parties.

4) The obligation to inform shall not apply where the data subject has already been informed or, in the cases of para. 3, where:

- a) the storage or disclosure of the data is expressly required by law; or
- b) providing the information is impossible or would involve disproportionate efforts.

5) Under the requirements of Art. 12 (1) and (2), the file controller may refuse, limit, or delay the providing of information. As soon as the reason for refusing, limiting, or delaying no longer applies, the obligation to inform shall apply without limitation, except where fulfilling that obligation is impossible or would involve disproportionate efforts.

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<sup>1</sup> Art. 5 amended by LGBl. 2012 no. 28.

6) The competent authority shall not inform the data subject if this is expressly requested by the state bound by the Schengen Acquis (Schengen state) that has transferred or provided the data.

7) Para. 1 through 3 shall not apply where data is processed for the purposes of statistics or historical or scientific research if providing the information to the data subject is impossible, would involve disproportionate effort, or if the storage or forwarding of data is expressly required by law.

#### Article 6

##### *Automated decisions*

1) Decisions which are made exclusively on the basis of automated data processing for the purpose of evaluating individual aspects of a person, such as his professional ability, creditworthiness, reliability, or conduct shall constitute a breach of the data subject's privacy provided such decisions have legal consequences and result in substantial impairments.

2) Decisions pursuant to paragraph 1 shall be lawful if:

- a) such decisions are made as part of the conclusion or performance of a contract, at the request of the data subject or after the data subject was given opportunity to comment; or
- b) such decisions are allowed by a law.

#### Article 6a<sup>1</sup>

##### *Use of devices for the recording and transfer of images in public places*

1) The use of devices for the recording and transfer of images in public places (video surveillance) shall only be admissible where it is necessary:

- a) for authorities, to fulfil their legal duties;
- b) to safeguard domestic authority; or

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<sup>1</sup> Heading before Art. 6a inserted by LGBl. 2009 no. 46.



c) to safeguard justified interests for specifically regulated purposes.<sup>1</sup>

2) The processing of the data collected under paragraph 1 shall only be admissible if such processing is necessary to achieve the purpose pursued and if there are no indications that interests warranting protection of the data subject prevail. They may only be processed for other purposes if this is necessary:

- a) to avert danger to the public safety or to the safety of the State;
- b) to avert serious danger to life, limb, freedom, or property; or
- c) to prosecute criminal offences and to secure evidence.

In the event of sentence 2, the Liechtenstein Police may demand that data collected be disclosed.<sup>2</sup>

3) The use of video surveillance must be approved by the Data Protection Office before installation. Approval shall not be required for the real-time transfer of images without the option of recording or of other ways of processing. The decision on approval may be appealed within 14 days to the Data Protection Commission. The Data Protection Office may lodge a complaint against the decision of the Data Protection Commission. The government shall regulate further details by ordinance.<sup>3</sup>

4) The fact that video surveillance is being conducted and the person responsible shall be shown by suitable means.<sup>4</sup>

5) If data collected through video surveillance are related to a specific person, such person shall be informed about any processing in accordance with Art. 5 (3).<sup>5</sup>

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<sup>1</sup> Art. 6a (1) inserted by LGBl. 2009 no. 46.

<sup>2</sup> Art. 6a (2) inserted by LGBl. 2009 no. 46.

<sup>3</sup> Art. 6a (3) inserted by LGBl. 2012 no. 28.

<sup>4</sup> Art. 6a (4) inserted by LGBl. 2009 no. 46.

<sup>5</sup> Art. 6a (5) inserted by LGBl. 2009 no. 46.

6) The person responsible for using video surveillance shall take all measures necessary to ensure the safety of the data. In this, it must be ensured depending on the type of the data collected and the amount and purpose of processing, as well as in consideration of what is technically possible and economically feasible that:

- a) processing happens duly and in a purpose-oriented way;
- b) the data is protected from random or unlawful destruction and from loss; and
- c) the data is inaccessible by unauthorised third parties;

The government shall regulate further details by ordinance.<sup>1</sup>

7) The data shall be deleted immediately, but no later than within 30 days, if:

- a) they are no longer necessary to achieve the purpose; or
- b) interests warranting protection of the data subjects stand against further storing of the data.<sup>2</sup>

#### Article 7

##### *Accuracy of data*

1) Whoever processes personal data must verify that the information is accurate.

2) Any data subject may request the rectification of inaccurate data.

#### Article 8<sup>3</sup>

##### *Cross-border data flows*

1) No personal data may be transferred abroad if the personal privacy of the data subjects could be seriously endangered, in particular where there is no legislation that provides adequate protection. This shall not apply to states which are EEA member states.

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<sup>1</sup> Art. 6a (6) inserted by LGBl. 2009 no. 46.

<sup>2</sup> Art. 6a (7) inserted by LGBl. 2009 no. 46.

<sup>3</sup> Art. 8 amended by LGBl. 2009 no. 46.

2) If there is no legislation offering adequate protection, personal data may only be transferred abroad if:

- a) the person responsible for processing provides - in particular by contractual clauses - sufficient guarantees concerning the protection of privacy, the basic rights and fundamental freedoms, and the exercising of the rights connected with them;
- b) the data subject has given his consent in the specific case;
- c) processing is in direct connection with entering into or performing an agreement and the data in question are data of the contracting party;
- d) disclosure in the specific case is indispensable in particular for the safeguarding of an overriding public interest or for the declaration, exercising, or enforcement of legal claims in court;
- e) disclosure is necessary in the specific case to protect the life or the physical integrity of the data subject;
- f) the data subject has made the data publicly available and has not expressly prohibited processing; or
- g) disclosure happens within the same legal person or company or between legal persons or companies that are under the same leadership, provided that the participants are subject to common data protection rules that ensure adequate protection.

3) The disclosure of data in terms of paragraph (2)(a) and (g) shall require approval from the government. Prior to such approval, the Data Protection Office shall make a recommendation as to whether the guarantees or common data protection rules ensure adequate protection. The government shall regulate more specific details by ordinance.

4) The adequacy of the level of protection shall be assessed in consideration of all circumstances that are of importance concerning the transfer of data or concerning a category of data transfers; in particular, the type of data, the purpose of processing, the duration of the planned processing, the country of origin and the country of final destination, the legal rules applying to the recipient in question, and the professional rules and security measures applying to such recipient may be taken into account.

5) The government shall by ordinance and on the basis of resolutions by the EEA Joint Committee issue a list of the non-EEA countries whose data protection legislation offers an adequate level of protection.

Article 9

*Data security*

- 1) Appropriate organisational and technical means shall be employed to ensure the protection of personal data against unauthorised processing.
- 2) The Government shall by ordinance issue more detailed rules on the minimum requirements for data security.

Article 10

*Confidentiality of data*

Whoever processes data or has data processed must keep data from applications entrusted to him or made accessible to him based on his professional activities secret, notwithstanding other legal confidentiality obligations, unless lawful grounds exist for the transmission of the data entrusted or made accessible to him.

Article 11

*Right of access*

- 1) Anyone may ask a file controller if data relating to him is being processed. The Government shall enact an ordinance establishing a period within which the information must generally be provided.
- 2) The file controller must provide information on:
  - a) all data relating to the data subject that is contained in the file and its origin;
  - b) the purpose and if necessary the legal basis for the processing, the categories of processed data, the individuals participating in the collection of the data, and the individuals designated to receive the file;
  - c) the logical structure of the automated processing of the data relating to the data subject in the event of automated decisions in terms of Article 6; and
  - d) the correction, destruction, or restriction on communication of data whose processing does not comply with the provisions of this Act, in particular if such data is incomplete or inaccurate.

3) The file controller may disclose data relating to the health of the data subject via a doctor designated by the person.

4) In the event the file controller has the personal data processed by a third party, the file controller shall remain responsible for providing the information that is requested. The third party shall be obliged to provide information in the event that it does not disclose the name of the file controller or in the event the controller is not resident in Liechtenstein.

5) The information should, as a general rule, be submitted in writing in printed form or as a photocopy and be provided free of charge. The government shall regulate exemptions from the foregoing by ordinance. The government may in particular provide for a participation in costs if the providing of the information necessitates an unreasonable expense.

6) Nobody may waive their right of information in advance.

*Restrictions on the right of access*

Article 12

*a) General*

1) A file controller may refuse to provide, or restrict or defer the providing of the requested information in cases where:

- a) a law so provides;
- b) disclosure of the requested information is prohibited by order of the courts or an authority; or
- c) he is required to do so due to the overriding interest of a third party.

2) In addition, an authority may refuse to provide, or restrict or defer the providing of the requested information in cases where:

- a) it is required to do so due to overriding public interests, and in particular in the interests of the internal or external security of the State; or
- b) the communication of the information may compromise criminal proceedings or other investigative processes.

2a) As soon as the reason for refusing, limiting, or delaying the right of access no longer applies, the authority shall provide the information, except where this is impossible or only possible with disproportionate efforts.<sup>1</sup>

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<sup>1</sup> Art. 12 para. 2a inserted by LGBl. 2012 no. 28.

3) A private file controller may additionally refuse to provide, restrict or defer the providing of the requested information when it is in his own overriding interest and on the condition that the data is not passed on to a third party.

4) The file controller must indicate the reason why he is refusing, restricting or deferring access to the information.

#### Article 13

##### *b) Concerning media employees*

1) A file controller who uses a file for the sole purpose of publication in the editorially-controlled section of a periodically published media organ may refuse, restrict or defer the providing of the requested information if:

- a) the personal data provides information as to its source;
- b) access to drafts of publications would have to be granted; or
- c) the public's freedom to form an opinion would be compromised.

2) Journalists may additionally refuse, restrict or defer communication of the requested information if a file is being used exclusively as a personal work aid.

#### Article 14

##### *Right to object*

1) Unless the use of data is required by a law, each data subject may raise an objection to the use of his data with the file controller on the grounds of violation of his overriding interests warranting protection as a result of his specific situation.

2) In the event of a legitimate objection, the data processing conducted by the file controller may no longer relate to such data.

3) In the event data is processed for the purpose of direct advertising, the data subject is to be notified in advance (Art. 5) and is to be informed of the no-cost and immediately effective right to object to which he is entitled.

Article 14a<sup>1</sup>

*Certification procedure*

1) In order to increase the protection and safety of data, the manufacturers of systems or programmes for data processing as well as private individuals or authorities processing personal data may have their products, systems, procedures, and organisation assessed by recognised independent certification bodies.

2) The government shall by way of ordinance issue rules on the accreditation of certification procedures and on the introduction of a data protection quality label. In this, it shall take into account international law and the internationally recognised technical standards.

Article 15

*File register*

1) The Data Protection Office shall keep a file register which shall be accessible in particular via the Internet. Anyone may inspect the register.<sup>2</sup>

2) Subject to para. 6, file controllers must declare all files to the Data Protection Office for registration.<sup>3</sup>

3) Cancelled<sup>4</sup>

3a) Cancelled<sup>5</sup>

4) Files must be registered prior to opening.

5) The application for registration must contain the following information:

- a) the name and address of the file controller;
- b) the name and complete designation of the file;
- c) the person with whom the right of information can be exercised;
- d) the purpose of the file;
- e) the categories of the personal data being processed;

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<sup>1</sup> Art. 14a inserted by LGBl. 2009 no. 46.

<sup>2</sup> Art. 15 (1) amended by LGBl. 2004 no. 174 and LGBl. 2008 no. 273.

<sup>3</sup> Art. 15 (2) amended by LGBl. 2012 no. 28.

<sup>4</sup> Art. 15 (3) cancelled by LGBl. 2012 no. 28.

<sup>5</sup> Art. 15 (3a) cancelled by LGBl. 2012 no. 28.

- f) the categories of the recipients of the data;
- g) the categories of persons dealing with the file, i.e. third parties entering data into the file and authorised to modify the data;
- h) a general discussion allowing a preliminary assessment as to whether the measures in accordance with Article 9 are sufficient to guarantee the security of data processing.

6) The government shall regulate by ordinance the registration and updating of files in detail, as well as the maintenance and publication of the register. For specific kinds of files, the government may provide for a simplified obligation to register or for exemption from the obligation to register, provided such processing does not infringe on the privacy of the data subjects.<sup>1</sup>

## **B. Processing of personal data by private individuals**

### Article 16

#### *Breach of privacy*

1) Whoever processes personal data may not unlawfully breach the privacy of the data subjects.

2) In particular, he must not, without lawful justification,

- a) process personal data in violation of the principles set down in Article 4, Article 7 (1), Article 8 (1), and Article 9 (1);
- b) process data relating to a person against the express will of that person;
- c) process sensitive data or personal profiles.

3) Normally, if the data subject has made the data accessible to the public and has not expressly prohibited the processing of the data, processing shall not constitute a breach of privacy.

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<sup>1</sup> Art. 15 (6) amended by LGBl. 2012 no. 28.



*Lawful justification*

Article 17

*a) Personal data*

1) An infringement of privacy in the processing of personal data shall be unlawful unless it is justified by:

- a) the consent of the data subject;
- b) an overriding public or private interest; or
- c) the law.

2) The overriding interests of the processing person shall in particular be taken into account where the processing person:

- a) in direct connection with the conclusion or performance of a contract, processes personal data about his contractual partner;
- b) is in or wishes to enter into commercial competition with another person and processes personal data for this purpose, without disclosing the personal data to a third party;
- c) processes personal data for the purpose of evaluating the creditworthiness of another person, provided the data is neither sensitive nor constitutes a personal profile, and provided that the processing person only discloses such data to a third party in the event that it is required for the conclusion or performance of a contract with the data subject;
- d) processes data on a professional basis for the sole purpose of publication in the editorially-controlled section of a periodically published media organ;
- e) processes data for non-personal purposes, and in particular in the context of research, planning, or statistics, and publishes the results in such a manner that the identity of the data subjects cannot be established;
- f) processes data that are accessible by the general public;<sup>1</sup>
- g) gathers data relating to a public person, provided the data concerns his public life.

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<sup>1</sup> Art. 17 (2)(f) amended by LGBl. 2009 no. 46.

Article 18

*b) Sensitive data and personal profiles*

An infringement of privacy in the processing of sensitive data and personal profiles shall not be unlawful where:

- a) a law expressly provides for such processing;
- b) such processing is indispensable for the fulfilment of a task clearly defined in a law;
- c) the data subject in the specific case has authorised such processing or has personally made the data accessible to the public;
- d) the processing of the data is necessary to protect interests essential to the life of the data subject or a third party, provided the data subject is incapable of granting consent for physical or legal reasons;
- e) the processing of the data is conducted by non-profit organisations, under the condition that the processing only relates to members of such organisations or persons who maintain regular contact with such organisations in connection with their functions, and provided that the data is not passed on to third parties without the consent of the data subject;
- f) the processing of the data is necessary for the assertion, exercise, or defence of legal claims before a court; or
- g) the processing of the data is necessary for the purpose of health care, medical diagnosis, medical care or treatment, or the administration of health services, and is conducted by persons subject to professional secrecy obligations.

Article 19

*Data processing by a third party*

1) The processing of personal data may be entrusted to a third party provided:

- a) the mandating party ensures that no processing occurs that he would not be permitted to carry out himself; and
- b) the processing is not prohibited by any legal or contractual duty of confidentiality.

2) The third party shall be subject to the same duties and may assert the same grounds of lawful justification as the mandating party.

3) For the purpose of securing evidence, the elements of the contract relating to data protection provisions and the requirements with respect to measures in accordance with paragraphs 1 and 2 shall be documented in written or another form.

#### Article 19a<sup>1</sup>

##### *Anonymising and destruction of personal data*

1) Private individuals shall anonymise or destroy personal data if such data is no longer needed to achieve the purpose for which they were processed.

2) There need be no anonymising or destruction if the personal data is kept beyond the original processing for historical, statistical, or scientific purposes. In this case, the holder shall ensure the safe storage of the personal data by suitable organisational and technical means. The government shall regulate further details by ordinance.

### **C. Processing of personal data by authorities**

#### Article 20

##### *Responsible authority*

1) Any authority that processes personal data or has such data processed in the execution of its legal duties shall be responsible for ensuring the protection of such data.

2) In the event that an authority processes personal data jointly with other authorities or with private persons, the government may regulate the specific responsibilities with regard to data protection.

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<sup>1</sup> Art. 19a inserted by LGBl. 2009 no. 46.

Article 21

*Legal principles*

1) Authorities may process personal data only if there is a legal basis for doing so.

2) Sensitive data or personal profiles may be processed only if a law expressly provides therefor or if, as an exception:

- a) such processing is indispensable for the fulfilment of a task clearly defined in a law;
- b) the Government has authorised such processing because the rights of the data subjects are not jeopardised; or<sup>1</sup>
- c) the data subject in the specific case has granted his consent, or if his data is accessible by the general public and processing has not been forbidden.<sup>2</sup>

Article 22

*Collection of personal data*

1) Any authority that systematically collects data, in particular through the use of questionnaires, must specify the objective of and the legal basis for the processing, the categories of persons dealing with the file, and the recipients of the data.

2) The collection of sensitive data or of personal profiles must be carried out in a manner that is visible to the data subjects.

Article 23

*Disclosure of personal data*

1) Authorities may disclose personal data provided they have legal grounds for doing so in terms of Art. 21 or if:

- a) the data is indispensable for the recipient in the specific case in order to fulfil his legal duties;
- b) the data subject has given his consent in the specific case or the circumstances imply such consent;

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<sup>1</sup> Art. 21 (2)(b) amended by LGBl. 2009 no. 46

<sup>2</sup> Art. 21 (2)(c) amended by LGBl. 2009 no. 46

- c) the data of the data subject are accessible by the general public; or<sup>1</sup>
- d) the recipient credibly asserts that the data subject is refusing to give consent or prohibiting disclosure in order to prevent the recipient from asserting legal rights or from safeguarding other interests warranting protection: whenever possible, the data subject must be allowed the opportunity to state his case before disclosure.

2) Authorities may, on request, disclose the name, first name, the address and the date of birth of a person even if the conditions set forth in paragraph 1 are not fulfilled.

3) Authorities may make personal data available via remote access, provided express provision is made for this. Sensitive data or personal profiles may only be made available via remote access if a law expressly provides for it.

4) The authority shall refuse to disclose data, or restrict such disclosure or make it subject to conditions if:

- a) essential public interests or interests clearly warranting protection of a data subject so require, or if
- b) a statutory duty of confidentiality or a specific data protection rule so requires.

#### Article 23a<sup>2</sup>

##### *Disclosure of personal data from a Schengen state to a third state or to an international body*

1) Where personal data has been transferred or provided by a Schengen state, the competent authorities may disclose such data to the competent authority of a third state or to an international body if:

- a) disclosure is necessary to prevent, ascertain, or prosecute a criminal offence or to execute a criminal penalty;
- b) the recipient body is competent for the prevention, ascertainment, or prosecution of offences or to execute a criminal penalty;

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<sup>1</sup> Art. 23 (1)(c) amended by LGBl. 2009 no. 46

<sup>2</sup> Art. 23a inserted by LGBl. 2012 no. 28.

- c) the Schengen state which has transferred or provided the personal data has agreed to the disclosure in advance; and
- d) the third state or the international body guarantees the adequate protection of the data.

2) In deviation from para. 1 (c), personal data may be disclosed on a case-by-case basis if:

- a) the prior consent of the Schengen state cannot be obtained in time; and
- b) disclosure is indispensable to defend against an imminent serious danger to the public security of a Schengen state or a third state or for safeguarding the essential interests of a Schengen state.

3) The competent authority shall inform the Schengen state that has transferred or provided the personal data forthwith about any disclosure of personal data in terms of para. 2.

4) In deviation from para. 1 (d), personal data may be disclosed on a case-by-case basis if:

- a) this is necessary for the safeguarding of overriding interests warranting protection of the data subject or of a third party;
- b) this is necessary for the safeguarding of an overriding public interest; or
- c) sufficient guarantees ensure the adequate protection of the data.

#### Article 23b<sup>1</sup>

##### *Disclosure of personal data from a Schengen state to an individual or to a legal person*

1) Where personal data has been transferred or provided by a Schengen state, the competent authorities may disclose such data to individuals or legal entities in Schengen states on a case-by-case basis if:

- a) this is provided for by a law or by an international treaty;
- b) the Schengen state which has transferred or provided the personal data has agreed to the disclosure in advance;

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<sup>1</sup> Art. 23b inserted by LGBl. 2012 no. 28.

- c) overriding interests warranting protection of the data subject do not stand against such disclosure; and
  - d) disclosure is indispensable for:
    - 1. the fulfilment of a legal duty of the individual or legal person;
    - 2. the prevention, ascertainment, or prosecution of an offence or the execution of a criminal penalty;
    - 3. defending against an imminent serious danger to public security;  
or
    - 4. defending against a grave violation of the rights of third parties.
- 2) The competent authority shall disclose the data to the individual or legal person under the express condition that the data must only be used for the purpose stated by the authority.

#### Article 24

##### *Right to block disclosure*

- 1) A data subject who credibly asserts an interest warranting protection may request the responsible authority to prohibit the disclosure of certain personal data.
- 2) The authority may refuse to prohibit disclosure or revoke any such prohibition if:
- a) there is a legal duty of disclosure; or
  - b) the performance of its duties would be compromised otherwise.

#### Article 25<sup>1</sup>

##### *Archiving and destroying of personal data*

- 1) Authorities shall offer all data that they no longer require to the National Archive in accordance with the *Archivgesetz* (Archive Act).
- 2) Authorities shall destroy all personal data not considered worthy of archiving by the National Archive unless the data:
- a) has been anonymised; or
  - b) is to be retained as evidence or for security purposes.

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<sup>1</sup> Art. 25 amended by LGBl. 2009 no. 46.

Article 26

*Processing for the purposes of research, planning, and statistics*

1) Personal data may be processed for reasons not related to the data subjects, and in particular for the purposes of research, planning, and statistics, provided that:

- a) the data is anonymised as soon as the objective of data processing allows it;
- b) the recipient shall only pass on the data to a third party with the consent of the controller; and
- c) the results of the data processing are published in a form that does not allow identification of the data subjects.

2) The requirements of the following provisions need not be met:

- a) Article 4 (3) on the purpose of the data processing;
- b) Articles 18 and 21 on the legal basis for the processing of sensitive data and personal profiles; and
- c) Article 23 (1) on the disclosure of personal data.

Article 27

*Private law activities of the authorities*

1) In the event that an authority acts on the basis of private law, the provisions on the processing of personal data by private persons shall apply.

2) Supervision shall be conducted in accordance with the provisions applicable to authorities.



### **III. The Data Protection Office and the Data Protection Commission<sup>1</sup>**

#### **A. The Data Protection Office<sup>2</sup>**

##### Article 28<sup>3</sup>

###### *Appointment and status*

- 1) A Data Protection Office shall be installed, which shall be organisationally attached to the Diet.
- 2) The Data Protection Office shall consist of the Data Protection Commissioner as its head and of the other personnel.
- 3) The Data Protection Office shall perform its duties independently and shall not be bound by any instructions.
- 4) The Data Protection Office shall enter into an agreement with the government on the handling of organisational and administrative matters.

##### Article 28a

###### *The Data Protection Commissioner<sup>4</sup>*

- 1) The Data Protection Commissioner shall be elected by the Diet for a term of office of eight years on the basis of a proposal by the government and after hearing the *Landtagsbüro* (Office of the Diet). Re-election shall be possible.<sup>5</sup>
- 2) The Data Protection Commissioner must not be a member of the Diet, the government, a court, or an administrative authority, nor may he be the head of a Liechtenstein municipality or sit on a Liechtenstein municipal council. He shall lose such offices upon being appointed Data Protection Commissioner.<sup>6</sup>

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<sup>1</sup> Heading before Art. 28 amended by LGBI. 2008 no. 273.

<sup>2</sup> Heading before Art. 28 amended by LGBI. 2008 no. 273.

<sup>3</sup> Art. 28 amended by LGBI. 2008 no. 273

<sup>4</sup> Heading before Art. 28a inserted by LGBI. 2012 no. 28.

<sup>5</sup> Art. 28a (1) amended by LGBI. 2012 no. 28.

<sup>6</sup> Art. 28a (2) inserted by LGBI. 2008 no. 273.

3) The Diet may remove the Data Protection Commissioner after hearing the government in the event of a grave breach of duty, of conduct damaging the country's reputation, or for other important reasons, before his term of office is complete.<sup>1</sup>

4) The Data Protection Commissioner shall issue organisational regulations after hearing the *Geschäftsprüfungskommission* (Supervisory Committee of the Diet).<sup>2</sup>

5) Otherwise, the Data Protection Commissioner shall *mutatis mutandis* be subject to the *Staatspersonalgesetz* (Act on Civil Servants), the *Besoldungsgesetz* (Act on Remuneration), and the *Gesetz über die Pensionsversicherung für das Staatspersonal* (Act on Pension Insurance for Civil Servants).<sup>3</sup>

#### Article 28b

##### *Other personnel*<sup>4</sup>

1) The other personnel of the Data Protection Office shall be employed by the Office of the Diet in agreement with the Data Protection Commissioner within the framework of the budget approved by the Diet; Art. 28a (2) shall apply *mutatis mutandis*.<sup>5</sup>

2) The following entities shall have competence to take decisions under employment law concerning the other personnel of the Data Protection Office:<sup>6</sup>

- a) the Data Protection Commissioner as far as matters are concerned that under the legislation on civil servants are up to the head of an office for independent decision;<sup>7</sup>
- b) the Office of the Diet in agreement with the Data Protection Commissioner in all other matters.<sup>8</sup>

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<sup>1</sup> Art. 28a (3) inserted by LGBl. 2008 no. 273.

<sup>2</sup> Art. 28a (4) inserted by LGBl. 2008 no. 273.

<sup>3</sup> Art. 28a (5) inserted by LGBl. 2008 no. 273.

<sup>4</sup> Heading before Art. 28b inserted by LGBl. 2008 no. 273.

<sup>5</sup> Art. 28b (1) amended by LGBl. 2012 no. 28.

<sup>6</sup> Art. 28b (2) introductory sentence inserted by LGBl. 2008 no. 273.

<sup>7</sup> Art. 28b (2)(a) inserted by LGBl. 2008 no. 273.

<sup>8</sup> Art. 28b (2)(b) amended by LGBl. 2012 no. 28.

3) Otherwise, the employment relationship of the other personnel shall *mutatis mutandis* be subject to the Act on Civil Servants, the Act on Remuneration, and the Act on Pension Insurance for Civil Servants.<sup>1</sup>

Article 28c<sup>2</sup>

*Budget and accounting*

1) The Data Protection Office shall submit the draft of its annual budget to the government after such draft has been preliminarily discussed by the Supervisory Committee of the Diet. The government shall forward the draft budget without changes to the Diet for discussion and decision.

2) The Data Protection Office shall keep its own accounts. Accounting shall be audited by the Financial Control Office within the framework of its legal powers and on instruction of the Supervisory Committee of the Diet.

Article 29

*Supervision of authorities*

1) The Data Protection Office shall supervise compliance by authorities with this Act and other regulations relating to data protection. The government shall be exempt from such supervision.<sup>3</sup>

2) The Data Protection Office shall investigate cases on its own initiative or as a result of reports by third parties.<sup>4</sup>

3) In order to investigate cases, the Data Protection Office may request the production of documents, obtain information and have data processing activities demonstrated to it. The authorities shall be obligated to co-operate in the investigation of any case. The right to refuse to give evidence in terms of § 108 of the *Strafprozessordnung* (Code of Criminal Procedure) shall apply *mutatis mutandis*.<sup>5</sup>

4) In the event that an investigation reveals that data protection provisions have been infringed, the Data Protection Office shall

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<sup>1</sup> Art. 28b (3) inserted by LGBl. 2008 no. 273.

<sup>2</sup> Art. 28c inserted by LGBl. 2008 no. 273.

<sup>3</sup> Art. 29 (1) amended by LGBl. 2008 no. 273.

<sup>4</sup> Art. 29 (2) amended by LGBl. 2008 no. 273.

<sup>5</sup> Art. 29 (3) amended by LGBl. 2008 no. 273.

recommend that the responsible authority modify or cease data processing activities. It shall inform the government of its recommendation.<sup>1</sup>

5) In the event that a recommendation is not complied with or is rejected, the Data Protection Office may refer the matter to the Data Protection Commission for decision. Notice of the decision shall be given to the data subject. The Data Protection Office may appeal against the decision of the Data Protection Commission.<sup>2</sup>

### Article 30

#### *Investigations and recommendations in the private sector*

1) The Data Protection Office shall conduct investigations on its own initiative or as a result of a report by a third party if<sup>3</sup>

- a) the methods of processing are capable of infringing the privacy of one or more persons;<sup>4</sup>
- b) files must be registered (Art. 15);
- c) the disclosure of data abroad must be reported (Art. 8).

2) During such investigation, it may request the production of documents, obtain information and have data processing activities demonstrated to it. The right to refuse testimony in terms of § 108 of the Code of Criminal Procedure shall apply *mutatis mutandis*.<sup>5</sup>

3) On the basis of its investigation, the Data Protection Office may recommend the modification or cessation of the data processing activities.<sup>6</sup>

4) In the event that a recommendation given by the Data Protection Office is not complied with or is rejected, it may refer the matter to the Data Protection Commission for decision. It may appeal against the decision of the Data Protection Commission.<sup>7</sup>

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<sup>1</sup> Art. 29 (4) amended by LGBl. 2008 no. 273.

<sup>2</sup> Art. 29 (5) amended by LGBl. 2008 no. 273.

<sup>3</sup> Art. 30 (1) introductory sentence amended by LGBl. 2008 no. 273.

<sup>4</sup> Art. 30 (1)(a) amended by LGBl. 2009 no. 46.

<sup>5</sup> Art. 29 (2) amended by LGBl. 2008 no. 273.

<sup>6</sup> Art. 29 (3) amended by LGBl. 2008 no. 273.

<sup>7</sup> Art. 29 (4) amended by LGBl. 2008 no. 273.

Article 31

*Reporting; information*

1) The Data Protection Office shall annually submit a report to the Diet and to the government, in which report it shall provide information on the scope and emphases of its activities as well as on findings and recommendations as well as their implementation. These reports shall be published.<sup>1</sup>

2) In cases of public interest, the Data Protection Office may inform the public of its findings and recommendations. Personal data that are subject to official secrecy may only be published by the Data Protection Office if it has the consent of the competent authority. In the event such consent is withheld by the authority, the Data Protection Commission shall take a decision, which shall be final.<sup>2</sup>

Article 32

*Other duties*

1) The Data Protection Office shall in particular have the following additional duties:

- a) it shall support private individuals and authorities by giving a general introduction and providing individual consulting services;
- b) it shall submit opinions on questions of data protection in pending cases at the request of the decision-making bodies or appellate authorities;
- c) it shall certify the extent to which foreign data protection laws offer adequate protection;<sup>3</sup>
- d) it shall comment on bills and decrees of significance for data protection and shall in particular review their compliance with the provisions of EU Directive 95/46;
- e) it shall co-operate with data protection authorities both within and outside Liechtenstein;
- f) it shall represent the Principality of Liechtenstein in the Working Party on the Protection of Individuals with regard to the Processing of Personal Data pursuant to Article 29 of EU Directive 95/46.<sup>4</sup>

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<sup>1</sup> Art. 31 (1) amended by LGBl. 2008 no. 273.

<sup>2</sup> Art. 31 (2) amended by LGBl. 2008 no. 273.

<sup>3</sup> Art. 31 (1)(c) amended by LGBl. 2009 no. 46.

<sup>4</sup> Art. 32 (1) amended by LGBl. 2008 no. 273.

- g) it shall examine the guarantees and data protection rules reported to in pursuant to Art. 8 (3).<sup>1</sup>
- h) it shall examine the certification procedures pursuant to Art. 14a and may issue statements in terms of Art. 29 (4) or Art. 30 (3). It may also be given the duties of an accreditation body.<sup>2</sup>

2) It may consult authorities even where this Act is not applicable in accordance with Article 2 (3)(c) through (f). Such authorities may allow the Data Protection Office to inspect their papers.<sup>3</sup>

## **B. The Data Protection Commission**

### Article 33

#### *The Data Protection Commission*

1) The Data Protection Commission shall consist of three members which shall be elected by the Diet for a term of four years together with two substitute members. The Diet shall designate the President and Vice President of the Commission.

2) Members of the Data Protection Commission shall be subject to the provisions of the *Landesverwaltungspflegegesetz* (LVG, Act on General Administrative Procedure) on work stoppages, responsibilities, and the prohibition on reporting. Such members must take the oath of office prior to taking office.

### Article. 34

#### *Duties*

The Data Protection Commission makes decisions on:

- a) the recommendations of the Data Protection Office (Art. 29 (5); Art. 30 (4)) that are laid before it;<sup>4</sup>

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<sup>1</sup> Art. 31 (1)(g) inserted by LGBl. 2009 no. 46.

<sup>2</sup> Art. 31 (1)(h) inserted by LGBl. 2009 no. 46.

<sup>3</sup> Art. 32 (2) amended by LGBl. 2008 no. 273.

<sup>4</sup> Art. 34 (1)(a) amended by LGBl. 2008 no. 273.

- b) appeals against decisions made by the authorities relating to data protection matters with the exception of decisions made by the government or judicial acts;<sup>1</sup>
- c) appeals against decisions of the Data Protection Office pursuant to Art. 6a (3).<sup>2</sup>

#### Article 35

##### *Interim measures*

1) Upon the request of a party or the Data Protection Office, the President of the Data Protection Commission may take interim measures which appear necessary for the interim regulation of an existing state of affairs or to guarantee legal relations which are at risk.<sup>3</sup>

2) Appeals against interim measures shall not have a suspensive effect.

3) The Data Protection Commission shall decide on appeals against measures taken by the President. The appeals period shall be 14 days.

#### Article 36<sup>4</sup>

##### *Compensation*

Members of the Data Protection Commission shall be compensated for their activities pursuant to the provisions of the Act on the Remuneration of Members of the Government, Courts, Commissions, and Organs of Establishments and Foundations of the State.

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<sup>1</sup> Art. 34 (b) amended by LGBl. 2012 no. 28.

<sup>2</sup> Art. 31 (1)(h) inserted by LGBl. 2009 no. 46.

<sup>3</sup> Art. 35 (1) amended by LGBl. 2008 no. 273.

<sup>4</sup> Art. 36 amended by LGBl. 2009 no. 380.

## IV. Legal safeguards

### A. Processing of personal data by private individuals

#### Article 37

##### *Claims and legal procedures*

1) Legal proceedings or interim measures (protective measures) relating to the protection of privacy are governed by Articles 39 through 41 of the *Personen- und Gesellschaftsrecht* (Persons and Companies Act). The plaintiff in any legal proceedings may specifically request that the personal data be corrected or destroyed, or that its disclosure to third parties be prohibited.

2) If neither the accuracy nor the inaccuracy of personal data can be established, the plaintiff may request that the particular data be marked accordingly.

3) The plaintiff may request the notification of third parties or the publication of the judgment relating to the data or its correction, destruction, prohibition of communication, or the marking of the data as to its litigious character.

4) The procedural provisions on non-contentious matters shall apply in the event of actions for the assertion of the right for information.<sup>1</sup>

### B. Processing of personal data by authorities

#### Article 38

##### *Rights and procedures*

1) Anyone with an interest warranting protection may request that the responsible authority

- a) refrain from proceeding with unlawful data processing;
- b) nullify the effects of unlawful data processing;
- c) declare the unlawful nature of the data processing.

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<sup>1</sup> Art. 37 (4) amended by LGBl. 2010 no. 454.



2) If neither the accuracy nor the inaccuracy of personal data can be established, the authority shall be required to mark the data with a note to this effect.

3) The person making the request may in particular request that the authority

- a) correct or destroy the data or ensure that it is not disclosed to a third party;
- b) publish or communicate to third parties its decision, namely to correct or destroy the personal data or prohibit its disclosure or to mark it as being of contentious nature.

4) The procedure shall be governed by the Act on General Administrative Procedure (LVG).

5) The decisions and orders of the authorities shall be subject to a right of appeal to the Data Protection Commission within 14 days from service. The decisions made by the Commission shall be subject to a right of appeal to the *Verwaltungsgerichtshof* (Administrative Court) within 14 days from service.<sup>1</sup>

6) Decisions made by the government may be appealed to the Administrative Court within 14 days from service.<sup>2</sup>

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<sup>1</sup> Art. 38 (5) amended by LGBl. 2004 no. 33.

<sup>2</sup> Art. 38 (6) amended by LGBl. 2004 no. 33.

## V. Penal Sanctions

### Article 39

#### *Unauthorised collection of personal data*

Whoever collects sensitive personal data without authorisation from a file which is not freely accessible shall at the request of the injured party be punished by the *Landgericht* (Court of Justice) for misdemeanour by imprisonment for up to one year or by a fine of up to 360 daily rates.

### Article 40

#### *Breach of duties to provide information, to register data, and to co-operate*

1) Private individuals who fail to fulfil their duties as set out in Art. 5 and Art. 11 to 13 by intentionally providing inaccurate or incomplete information shall at the request of the injured party be punished by the Court of Justice for contravention by a fine of up to 20,000 Swiss francs, and by detention of up to three months in the event the fine is uncollectible.<sup>1</sup>

2) The same punishment shall apply to private individuals who intentionally:

- a) fail to report files in terms of Art. 15 or who provide false information in their report;<sup>2</sup>
- b) in the investigation of a case (Art. 30) provide false information to the Data Protection Office or refuse to co-operate.<sup>3</sup>
- c) transfers data abroad without permission in terms of Art. 8 (3).<sup>4</sup>

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<sup>1</sup> Art. 40 (1) amended by LGBl. 2009 no. 46.

<sup>2</sup> Art. 40 (2)(a) amended by LGBl. 2009 no. 46.

<sup>3</sup> Art. 40 (2)(b) amended by LGBl. 2008 no. 273.

<sup>4</sup> Art. 40 (2)(c) inserted by LGBl. 2009 no. 46.

Article 41

*Breach of professional secrecy*

1) Whoever intentionally and without authorisation discloses confidential and sensitive personal data or personal profiles that have come to his knowledge in the course of professional activities that require that he has knowledge of such data shall at the request of the injured party be punished by up to one year of imprisonment or by a fine of up to 360 daily rates.

2) The same punishment shall apply to whoever intentionally and without authorisation discloses confidential and sensitive personal data or personal profiles that have come to his knowledge in the course of his activities for persons who are subject to a duty of professional secrecy or in the course of his vocational training with such persons.

3) The illegal communication of confidential and sensitive data or personal profiles shall remain punishable also after the relevant person has ceased to practice his profession or has completed his vocational training.

## **VI. Transitional and final provisions**

Article 42

*Implementation*

1) The government shall issue the ordinances necessary for implementing this Act, in particular relating to:

- a) exceptions to Article 11 (5) on information and Article 21 (2)(b) on the processing of sensitive data and personal profiles;
- b) the categories of files which require processing regulations;
- c) the requirements under which an authority may process personal data for third parties or have such data processed by third parties;
- d) the disclosure of data pursuant to Article 23 (2) and remote access pursuant to Article 23 (3);
- e) the use of means to identify individual persons;
- f) data security.

2) The government may provide for exceptions to Articles 12 and 13 for the provision of information through embassies and consulates of the Principality of Liechtenstein abroad.

3) The government shall regulate how files are to be secured whose data can result in a danger to the life and limb of the data subjects in the event of a crisis or war.

#### Article 43

##### *Processing of personal data in specific cases involving crime fighting and state security*

1) Concerning the processing of personal data for fighting terrorism, violent extremism, organised crime, and illicit intelligence gathering and to guarantee state security, the government may (until an Act comes into force regulating these matters):

- a) provide for exceptions to the provisions on the purpose of data processing (Art. 4 (3)), the disclosure of data abroad (Art. 8), the obligation to report and register (Art. 15), and the collection of personal data (Art. 22);
- b) approve the processing of sensitive data and personal profiles even if the requirements of Art. 21 (2) are not met.

2) Ballot, petition, and statistical secrecy shall be preserved.

3) The government shall make its decision after consulting with the Data Protection Office instead of the Data Protection Commission or its president. Decisions made by the government may be appealed to the Administrative Court within 14 days after service.<sup>1</sup>

#### Article. 44

##### *Transitional Provisions*

1) File controllers must register any existing files that must be registered in terms of Art. 15 within one year of the date on which this Act comes into force.

2) Within one year of the date on which this Act comes into force, they must take the measures required to allow them to disclose information in terms of Art. 11.

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<sup>1</sup> Art. 43 (3) amended by LGBl. 2004 no. 33 and LGBl. 2008 no. 273.

Data Protection Act (*Datenschutzgesetz*, DSG)

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3) File controllers may continue to use existing files that contain sensitive personal data or personal profiles until 1<sup>st</sup> August 2007 without having to fulfil the requirements of Art. 18 and 21.<sup>1</sup>

Article 45

*Commencement*

1) This Act shall come into force on 1 August 2002, subject to paragraph 2 below.

2) Articles 28 and 33 shall come into force on the date of proclamation.

signed *Hans-Adam*

signed *Otmar Hasler*  
Prime Minister

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<sup>1</sup> Art. 44 (3) amended by LGBl. 2004 no. 174

## **Transitional Provisions**

### **235.1 Data Protection Act (*Datenschutzgesetz*, DSG)**

## Liechtenstein Law Gazette

2008

No. 273

issued on 14 November 2008

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### **Act** of 17 September 2008 **on the Amendment of the Data Protection Act**

...

#### **III.**

##### **Transitional provisions**

1) At the time this Act enters into force<sup>1</sup>, the current Data Protection Commissioner shall become the head of the Data Protection Office and shall hold this position until 31 December 2016. Before this time period expires, the Diet shall appoint the Data Protection Commissioner in accordance with Art. 28a.

2) The existing employment relationships of the other personnel shall remain in force after this Act has entered into force.

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<sup>1</sup> Date of entering into force: 1 January 2008.

**Liechtenstein Law Gazette**

2009

No. 46

issued on 29 January 2009

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**Act**  
of 11 December 2008  
**on the Amendment of the Data Protection Act**

...

**II.**

**Transitional provision**

For existing video surveillance, approval in terms of Art. 6a (3) shall be obtained immediately, but no later than within 6 months from the date this Act enters into force.<sup>1</sup>

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<sup>1</sup> Date of entering into force: 1 July 2009.



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**Law**

of 11 December 2008

**on Professional Due Diligence to Combat Money  
Laundering, Organized Crime, and Terrorist  
Financing  
(Due Diligence Act; DDA)**

I hereby grant My consent to the following Resolution adopted by Parliament:<sup>1</sup>

**I. General Provisions**

## Art. 1

*Object and purpose*

1) This Act governs the application of due diligence in the professional exercise of activities covered by this Act. The Act serves to combat money laundering, organized crime, and terrorist financing within the meaning of the Criminal Code (§§ 165, 278 to 278d StGB).

2) It also serves:

- a) to implement Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing (EEA Compendium of Laws: Annex IX - 23b.01);
- b) to implement Commission Directive 2006/70/EC of 1 August 2006 laying down implementing measures for Directive 2005/60/EC of the European Parliament and of the Council as regards the definition of "politically exposed person" and the technical criteria for simplified customer due dili-

gence procedures and for exemption on grounds of a financial activity conducted on an occasional or very limited basis (EEA Compendium of Laws: Annex IX - 23ba.01);

- c) to create the requisite measures to enforce Regulation (EC) No. 1781/2006 of the European Parliament and of the Council of 15 November 2006 on information on the payer accompanying transfers of funds (EEA Compendium of Laws: Annex IX - 23d.01).

## Article 2

### *Terminology and designations*

1) For the purposes of this Act, the following definitions shall apply:

- a) "payment service provider" means a natural or legal person whose business includes the provision of transfer of funds services;
- b) "transfer of funds" means any transaction carried out on behalf of a payer through a payment service provider by electronic means, with a view to making funds available to a payee at a payment service provider, irrespective of whether the payer and the payee are the same person;
- c) "business relationship" means a business, professional or commercial relationship which is connected with the professional activities of the person subject to due diligence and which is expected, at the time when the contact is established, to have an element of duration;
- d) "occasional transactions" means cash transactions, especially money exchange, cash subscription of medium-term notes and bonds, cash buying or selling of bearer securities, and cashing of cheques, unless the transaction is carried out via an existing account or custody account;
- e) "beneficial owner" means a natural person on whose initiative or in whose interest a transaction or activity is carried out or a business relationship is ultimately constituted. In the case of legal entities, the beneficial owner is also the natural person in whose possession or under whose control the legal entity ultimately is situated. The Government shall provide further details by ordinance;
- f) "legal entity" means a legal person, company, trust, or other collective or asset entity, irrespective of its legal form;
- g) "shell bank" means a bank that has no physical presence in the domiciliary State and is not part of a group or conglomerate operating in the financial sector subject to consolidated supervision and Directive

2005/60/EC or equivalent regulation. The FMA shall issue a list of countries with equivalent regulations;

- h) "politically exposed persons" means natural persons who are or have, until a year ago, been entrusted with prominent public functions in a foreign country and immediate family members, or persons known to be close associates, of such persons. The Government shall provide further details by ordinance;
- i) "third State" means a State not a Member of the European Economic Area (EEA).

2) The designations used in this Act to denote persons, functions and professions include persons of male and female gender alike.

### Article 3

#### *Scope of application*

1) This Act shall apply to persons subject to due diligence. These are:

- a) banks and investment firms licensed under the Banking Act;
- b) e-money institutions licensed under the E-Money Act;
- c) management companies authorized under the Law on Undertakings for Collective Investment in Transferable Securities or licensed under the Investment Undertakings Act;<sup>1</sup>
- d) insurance undertakings licensed under the Insurance Supervision Act, to the extent they offer life insurance;
- e) the Liechtenstein Postal Service (limited company), to the extent it pursues activities beyond its universal service that must be notified to the FMA;
- f) exchange offices;
- g) insurance brokers licensed under the Insurance Mediation Act, to the extent they broker life insurance contracts and other services for investment purposes;
- h) payment service providers;
- i) asset management companies licensed under the Asset Management Act;
- k) professional trustees and trust companies licensed under the Professional Trustees Act, to the extent they pursue activities under article 7, para-

- graph 1 (a), (b), (e) or audit activities under (f) or activities under article 7, paragraph 2 of the Professional Trustees Act;
- l) casinos and providers of online gambling games licensed under the Gambling Act;
  - m) lawyers and law firms entered in the lists of lawyers or lists of law firms under the Lawyers Act as well as legal agents as referred to in article 67 of the Lawyers Act, to the extent they provide tax advice to their clients or assist in the planning or execution of transactions for their client concerning the:
    - 1. buying and selling of undertakings or real estate;
    - 2. managing of client money, securities or other assets;
    - 3. opening or management of accounts, custody accounts or safe deposit boxes;
    - 4. organization of contributions necessary for the creation, operation or management of legal entities; or
    - 5. establishment of a legal entity on the account of a third party or acting as a partner of a partnership or a governing body or general manager of a legal entity on the account of a third party or carrying out a comparable function on the account of a third party;
  - n) natural and legal persons licensed under the Law on Auditors and Auditing Companies as well as audit offices subject to special legislation;
  - o) holders of a certification under article 180a of the Law on Persons and Companies (PGR), to the extent that they act as a partner of a partnership or a governing body or general manager of a legal entity on the account of a third party or carry out a comparable function on the account of a third party;
  - p) real estate agents, to the extent that their activities cover the purchase or sale of real estate;
  - q) natural and legal persons trading in goods on a professional basis, to the extent that payment is made in cash in an amount of 15,000 francs or more, whether the transaction is executed in a single operation or in several operations which appear connected;
  - r) natural and legal persons, to the extent that they provide a registered office, business address, correspondence or administrative address and other related services for a legal entity on a professional basis;
  - s) natural and legal persons, to the extent that they act as a nominee shareholder for another person other than a company listed on a regulated mar-

ket that is subject to disclosure requirements in conformity with EEA law or subject to equivalent international standards, or to the extent that they provide the possibility for another person to carry out that function. The FMA shall issue a list of countries with equivalent regulations;

- t) natural and legal persons who, on a professional basis and on the account of a third party, act as a partner of a partnership or a governing body or general manager of a legal entity or carry out a comparable function on the account of a third party;
  - u) natural and legal persons who, on a professional basis, accept or keep third-party assets or assist in the acceptance, investment, or transfer of such assets or who, on a professional basis, carry out external statutory and other audits.
  - v) natural and legal persons to the extent they contribute to the planning and execution of financial or real estate transactions for their clients concerning the following:
    - 1. activities referred to in subparagraph (m) (1) to (4); or
    - 2. acting as a partner of a partnership or a governing body or general manager of a legal entity on the account of a third party or carrying out a comparable function on the account of a third party.
- 2) Liechtenstein branches of foreign undertakings referred to in paragraph 1 are also deemed persons subject to due diligence, to the extent such branches are permissible.
- 3) Persons subject to due diligence under paragraph 1 (f), (h), and (p) through (v) must immediately notify the FMA in writing that they have taken up business activities.

#### Art. 4

##### *Exemptions from the scope of application*

This Act shall not apply to:

- a) institutions exclusively operating in the field of occupational old age, disability, and survivors' provision;
- b) contractual relationships of a management company of an undertaking for collective investment in transferable securities or of an investment undertaking for other values or real estate which neither keeps unit accounts nor issues physical units and thus does not itself accept any assets;

- c) natural and legal persons who engage in activities referred to in article 3 only on an occasional or very limited basis and where there is little risk of money laundering or terrorist financing occurring, to the extent that they meet the following conditions:
1. the activity is not the main activity;
  2. the activity is a supplementary activity directly connected with the main activity;
  3. with the exception of the activity referred to in article 3, paragraph 1 (q), the main activity is not an activity referred to in article 3;
  4. the activity is only offered to contracting parties in connection with the main activity, but not to the general public; and
  5. the thresholds established by the Government in this connection are not exceeded.

## II. Due Diligence

### Art. 5

#### *Scope of Due Diligence*

- 1) In the cases referred to in paragraph 2, the persons subject to due diligence shall meet the following obligations:
- a) identification and verification of the identity of the contracting party (article 6);
  - b) identification and verification of the identity of the beneficial owner (article 7);
  - c) establishment of a business profile (article 8); and
  - d) risk-adequate monitoring of the business relationship (article 9).
- 2) Due diligence measures must be applied in the following cases:
- a) when establishing a business relationship;
  - b) when carrying out occasional transactions amounting to 15,000 francs or more, whether the transaction is carried out in a single operation or in several operations which appear to be linked. For casinos and providers of online gambling games, the applicable threshold shall be 3,000 francs

for the purchase or sale of chips or tokens and 5,000 francs for other occasional transactions;<sup>1</sup>

- c) when there are doubts about the veracity or adequacy of previously obtained data on the identity of the contracting party or the beneficial owner. The Government shall provide further details by ordinance;
- d) when there is suspicion of money laundering, a predicate offence of money laundering, organized crime, or terrorist financing, regardless of any derogation, exemption or threshold.

3) Where the due diligence requirements cannot be met:

- a) the person subject to due diligence may not establish the business relationship or carry out the desired transaction and must verify whether a report under article 17 is necessary. This provision is subject to article 18;
- b) the person subject to due diligence must discontinue the existing business relationship and keep sufficient documentation of the outflow of assets, unless the conditions for the reporting obligation under article 17 would be met.

4) By ordinance, the Government shall specify the procedure for cases in which the information and documents needed to identify and verify the identity of the contracting party and the beneficial owner upon establishing the business relationship are not fully available.

#### Article 6

##### *Identification and verification of the identity of the contracting party*

1) The persons subject to due diligence must identify the contracting party and verify the contracting party's identity by means of documents with probative value.

2) If, over the course of the business relationship, doubts arise concerning the identity of the contracting party, the persons subject to due diligence must repeat the identification and verification of the identity of the contracting party.

3) The Government shall provide further details by ordinance.

## Article 7

*Identification and verification of the identity of the beneficial owner*

- 1) The persons subject to due diligence must identify the beneficial owner.
- 2) By means of risk-based and adequate measures, they must verify the identity of the beneficial owner to satisfy themselves that this is actually the beneficial owner. In the case of a legal entity, this includes risk-based and adequate measures to determine the ownership and control structure of the contracting party.
- 3) If, over the course of the business relationship, doubts arise concerning the identity of the beneficial owner, the persons subject to due diligence must repeat the identification and verification of the identity of the beneficial owner.
- 4) The Government shall provide further details by ordinance.

## Article 8

*Business profile*

- 1) The persons subject to due diligence must establish a profile of the business relationship, including in particular information concerning the origin of the assets and the purpose and intended nature of the business relationship (business profile).
- 2) They must ensure that the data and information contained in the business profile are kept up-to-date.
- 3) The Government shall provide further details concerning the business profile by ordinance.

## Article 9

*Risk-adequate monitoring of the business relationship*

- 1) The persons subject to due diligence must carry out risk-adequate monitoring of their business relationships, including the transactions performed in the course of the business relationship, to ensure that they correspond to the business profile (article 8).



- 2) They must pay special attention to threats emanating from the use of new technologies.
- 3) They must carry out simple clarifications with reasonable effort when fact patterns or transactions occur that deviate from the business profile.
- 4) They must carry out special clarifications when fact patterns or transactions occur giving rise to suspicion that assets are connected with money laundering, predicate offences of money laundering, organized crime, or terrorist financing. While these clarifications are being carried out, the persons subject to due diligence may not discontinue the business relationship.
- 5) The results of the clarifications shall be documented in the due diligence files.
- 6) The Government shall provide further details by ordinance.

#### Article 10

##### *Simplified due diligence*

- 1) With the exception of the cases under article 5, paragraph 2 (d), the persons subject to due diligence are exempt from due diligence under article 5, paragraph 1 where:
  - a) the contracting party:
    1. is a listed company whose equity papers are admitted to trading on a regulated market within the meaning of Directive 2004/39/EC in one or more EEA Member States or a listed company from a third State with equivalent disclosure requirements; and
    2. is not acting in the interest of a third party;
  - b) the contracting party is a domestic authority;
  - c) the contracting party is a person subject to due diligence referred to in article 3, paragraph 1 (a) to (h) that:
    1. is subject to Directive 2005/60/EC or equivalent regulation and supervision; and
    2. is not acting in the interest of a third party;
  - d) in the case of life insurance policies, the annual premium is no more than 1,000 francs or the single premium is not more than 2,500 francs;

- e) in the case of life insurance policies for pension schemes, there is no surrender clause and the policy cannot be used as collateral;
- f) in the case of insurances by way of old age provision benefits, the contributions are deducted by the employer and the beneficiaries cannot transfer their rights;
- g) a rental deposit account for rental property located in an EEA Member State or Switzerland is established, provided the deposit is not more than 15,000 francs;
- h) electronic money within the meaning of article 3, paragraph 1 (b) of the E-Money Act is spent or managed, provided that:
  - 1. if the device cannot be recharged, the amount stored in the device is no more than 150 francs; or
  - 2. if the device can be recharged, a limit of 2,500 francs is imposed on the total amount spent or managed in a calendar year, except when an amount of 1,000 francs or more is redeemed in that calendar year by the e-money client as referred to in article 44 of the E- Money Act;<sup>1</sup>
- i) the contractual relationship is in the form of an exclusive asset management mandate with limited power of attorney for an individual client bank account or custody account kept at a bank subject to Directive 2005/60/EC or equivalent regulation and supervision. A power of attorney is considered limited especially if both the possibility of direct investments and - except for charging reasonable management fees - debiting or closing the account or custody account is excluded by the principal;
- k) the transactions constitute external statutory and other auditing with respect to a legal entity whose business relationships and transactions are already fully monitored by a person subject to due diligence under article 3, paragraph 1 (t) within the meaning of article 9.

2) Persons subject to due diligence under article 3, paragraph 1 (a) to (h) are exempt from the due diligence requirements under article 5, paragraph 1 (b) where the contracting party is a notary, lawyer, or legal agent domiciled in an EEA Member State or Switzerland who, for the account of his clients, keeps an account or custody account within the scope of a forensic activity or in the capacity of an executor, escrow agent, or similar capacity.

3) Persons subject to due diligence are exempt from the due diligence requirements under article 5, paragraph 1 (a) where the contracting party has already been identified in an equivalent manner within the same undertaking, group, or conglomerate. In such a case, copies of the documents upon which

the original identification were based must be included in the due diligence files.

4) By ordinance, the Government may make additional products or transactions with a low risk of money laundering or terrorist financing subject to simplified due diligence.

5) The FMA shall establish a list of countries with equivalent regulations as referred to in paragraph 1 (a), (c), and (i).

6) This article shall not apply in cases of enhanced due diligence (article 11).

#### Article 11

##### *Enhanced due diligence*

1) In their internal instructions, the persons subject to due diligence must establish criteria designating business relationships and transactions with higher risk and allocate the respective business relationships and transactions accordingly. In the cases referred to in paragraphs 3 to 5, business relationships and transactions must always be assumed to have higher risks. Business relationships with higher risks must be subject to more intensive monitoring.

2) In their internal instructions, the persons subject to due diligence shall establish additional measures to be taken in cases of higher risk as referred to in paragraph 1.

3) In business relationships where the contracting party was not personally present for identification, the identity of the contracting party must be proven by means of additional measures.

4) With regard to business relationships and transactions with politically exposed persons, the persons subject to due diligence must:

- a) employ adequate, risk-based procedures to determine whether the contracting party or the beneficial owner is a politically exposed person or not;
- b) obtain the approval of at least one member of the general management before establishing a business relationship with such a contracting party or beneficial owner or - where a contracting party or a beneficial owner is recognized as a politically exposed person in the context of an existing business relationship - before continuing the business relationship;

- c) each year, obtain the approval of at least one member of the general management in order to continue business relationships with politically exposed persons.

5) In respect of cross-border correspondent banking relationships with respondent institutions from a third State, persons subject to due diligence under article 3, paragraph 1 (a) to (h) must ensure that they:

- a) have sufficient information about the respondent institution to understand the nature of the respondent's business and to determine from publicly available information the reputation of the institution and the quality of supervision;
- b) assess the respondent institution's anti-money laundering and anti-terrorist financing controls;
- c) obtain approval from at least one member of the general management before establishing new correspondent banking relationships;
- d) document the respective responsibilities with respect to fulfilment of due diligence requirements by the two institutions involved.

6) Persons subject to due diligence must conduct enhanced monitoring of the following business relationships and transactions and, to the extent possible, clarify their background and purpose and record the results in writing:

- a) complex structures, complex and unusually large transactions, as well as transaction patterns that have no apparent or visible economic or lawful purpose;
- b) business relationships and transactions with contracting parties or beneficial owners in countries whose measures to combat money laundering and terrorism financing do not or only insufficiently meet the applicable international standards.

7) The Government shall provide further details by ordinance. Based on assessments of international bodies for combating money laundering and terrorist financing, the Government shall issue a list with countries for the purpose of paragraph 6 (b). The Government may provide notification requirements for business relationships and transactions with contracting parties or beneficial owners from or in countries permanently included on that list.

## Article 12

*Information on the payer accompanying wire transfers*

Payment service providers must provide sufficient information on the payer accompanying transfers of funds. The Government shall provide further details on the required information by ordinance.

## Article 13

*Prohibited business relationships*

1) Persons subject to due diligence under article 3, paragraph 1 (a) to (h) may not conduct correspondent banking relationships with shell banks.

2) They must take appropriate measures to ensure that they do not conduct any business relationships with undertakings allowing shell banks to use their accounts, custody accounts, or safe deposit boxes.

3) They may not keep passbooks, accounts, or custody accounts payable to bearer.

4) They may not keep anonymous accounts, passbooks, or custody accounts or accounts, passbooks, or custody accounts under fictitious names.

## Article 14

*Delegation of due diligence*

1) To the extent fulfilment of the requirements under this Act is guaranteed, the persons subject to due diligence may delegate due diligence measures referred to in article 5, paragraph 1 (a) to (c) to:

- a) another person subject to due diligence; or
- b) a natural or legal person abroad that is subject to Directive 2005/60/EC or equivalent regulation and supervision.

2) Even in cases of delegation, the persons subject to due diligence remain responsible for compliance with due diligence requirements.

3) The FMA shall issue a list of countries with equivalent regulations for the purposes of paragraph 1.

4) This article does not apply to outsourcing or representation arrangements for which the outsourcing service provider or representative is to be regarded as part of the person subject to due diligence pursuant to a contractual agreement.

5) The Government shall provide further details by ordinance.

#### Article 15

##### *Rendering of joint services*

1) If several persons subject to due diligence render services to the same contracting party using joint billing and the same business name, then the due diligence measures referred to in article 5, paragraph 1 may be carried out by the person subject to due diligence who is in charge of the mandate, provided that the business relationship is the same. This shall also apply if several persons subject to due diligence using joint billing and the same business name operate in the function of a partner of a partnership or a governing body or general manager of a legal entity on the account of a third party or in a comparable function on the account of the same third-party legal entity within the meaning of article 3, paragraph 1 (t).

2) If several persons subject to due diligence which do not use joint billing and the same business name operate in the function of a partner of a partnership or a governing body or general manager of a legal entity on the account of a third party or in a comparable function on the account of the same third-party legal entity within the meaning of article 3, paragraph 1 (t), then it shall be permissible to have the due diligence measures referred to in article 5, paragraph 1 be carried by one of these function owners. The persons subject to due diligence which do not personally carry out these obligations nevertheless remain responsible for compliance with the obligations.

3) Persons subject to due diligence that do not personally carry out the obligations enumerated in paragraph 1 or 2 must ensure that they are granted access to the due diligence files on request at any time.

#### Article 16

##### *Global application of due diligence standards*

1) Persons subject to due diligence under article 3, paragraph 1 (a) to (i) must ensure that their branches and majority-owned subsidiaries apply measures to combat money laundering, organized crime, and terrorist financ-

ing that are at least equivalent to those laid down in this Act, to the extent permitted under the foreign law. Special attention shall be paid to compliance with this obligation in the case of countries whose measures to combat money laundering and terrorist financing do not or only insufficiently meet the applicable international standards.

2) If a branch or subsidiary as referred to in paragraph 1 is unable to apply the required measures to combat money laundering, organized crime, and terrorist financing due to limitations by the law of the third State, then the persons subject to due diligence under article 3, paragraph 1 (a) to (i) shall inform the FMA. In such cases, the persons subject to due diligence under article 3, paragraph 1 (a) to (i) shall take additional measures to effectively handle the risk of money laundering, organized crime, or terrorist financing.

3) Banks with branches abroad or that lead a financial group with foreign companies must, at a global level, assess, limit, and monitor their risks connected with money laundering, organized crime, and terrorist financing. The Government shall provide further details by ordinance.

### **III. Reporting obligations**

#### Article 17

##### *Obligation to report to the FIU*

1) Where suspicion of money laundering, a predicate offence of money laundering, organized crime, or terrorist financing exists, the persons subject to due diligence must immediately report in writing to the Financial Intelligence Unit (FIU). Likewise, all offices of the National Administration and the FMA are subject to the obligation to report to the FIU. By ordinance, the Government shall specify the procedure for submitting reports.

2) Lawyers and legal agents as well as auditors, auditing companies, and audit offices under special legislation shall not be required to report to the FIU if they have received the information concerned:

- a) from or on a client in the course of ascertaining the legal position for their client; or
- b) performing their task of defending or representing that client in or concerning judicial proceedings, including advice on instituting or avoiding

proceedings, whether such information is received before, during, or after such proceedings.

#### Article 18

##### *Prohibition on executing suspicious transactions and terminating business relationships; prohibition of disclosure*

1) The persons subject to due diligence may not execute any transactions which they know or suspect to be related with money laundering, predicate offences of money laundering, organized crime, or terrorist financing. Where to refrain in such a manner is impossible or would frustrate efforts to pursue a person suspected of being involved in money laundering, predicate offences of money laundering, organized crime, or terrorist financing, then the persons subject to due diligence shall submit a report to the FIU pursuant to article 17, paragraph 1 immediately after executing the transaction. Where the conditions for submitting a report apply, the persons subject to due diligence may not terminate the business relationship.

2) Until an order from the responsible prosecution authority arrives, but at most until the conclusion of five business days from receipt by the FIU of the report pursuant to article 17, paragraph 1, the persons subject to due diligence shall refrain from all actions that might obstruct or interfere with any orders pursuant to §97a of the Code of Criminal Procedure (StPO), unless such actions have been approved in writing by the FIU.

3) The persons subject to due diligence may not inform the contracting party, the beneficial owner, or third parties - with the exception of the FMA - that they have submitted a report to the FIU pursuant to article 17, paragraph 1.

4) The prohibition set out in paragraph 3 does not apply to the provision of information between:

- a) institutions belonging to the same group within the meaning of article 5, paragraph 1 (n) of the Financial Conglomerates Act subject to Directive 2005/60/EC or equivalent regulation;
- b) persons subject to due diligence as referred to in article 3, paragraph 1 (k), (m) and (n) as well as external accountants and auditors within the meaning of article 3, paragraph 1 (u) subject to Directive 2005/60/EC or equivalent regulation, provided they carry out their professional activity as self-employed persons or as employed persons within the same legal person or within a network. A network means a comprehensive structure



to which the person belongs and which has a joint owner or joint management or joint control in regard to compliance with the provisions of this Act;

- c) persons subject to due diligence as referred to in article 3, paragraph 1 (a) to (i), (k), (m) and (n) as well as external accountants and auditors within the meaning of article 3, paragraph 1 (u) subject to Directive 2005/60/EC or equivalent regulation, provided they are involved in the same fact pattern and are subject to equivalent obligations in regard to professional secrecy and the protection of personal data. The exchanged information may be used exclusively to combat money laundering and terrorist financing.
- 5) The FMA shall establish a list of countries with equivalent regulations.

#### Article 19

##### *Exclusion of criminal and civil liability*

1) Where persons subject to due diligence or their general managers or employees submit a report to the FIU pursuant to article 17, paragraph 1 and it turns out that this report was not justified, then they shall be exempt from all civil and criminal liability, provided that they did not act wilfully.

2) Likewise, a person is exempt from all civil liability who:

- a) fails to carry out a transaction under article 18, paragraph 1 or 2, even though his contracting party expressly desires execution of the transaction; or
- b) fails to open a business relationship under article 5, paragraph 3, fails to carry out the desired transaction, or discontinues the existing business relationship.

## IV. Documentation and Internal Organization

### Article 20

#### *Documentation requirement*

1) The persons subject to due diligence must document their compliance with the due diligence requirements (articles 5 to 16) and the reporting obligation (article 17) in accordance with this Act. For that purpose, they must keep and maintain due diligence files. Client-related records and receipts shall be kept for at least ten years from the end of the business relationship or conclusion of the occasional transaction; transaction-related records and receipts, on the other hand, for at least ten years from the conclusion of the transaction or from their preparation. The Government shall provide further details by ordinance.

2) In cases of simplified due diligence (article 10), the person subject to due diligence must document the reason for exemption from due diligence in the due diligence files.

### Article 21

#### *Internal organization*

1) The persons subject to due diligence must take the necessary organizational measures and ensure suitable internal instruments of control and monitoring. They shall in particular issue internal instructions, provide for the secure storage of the due diligence files, and ensure the basic and continuing training of their staff.

2) As appropriate to the circumstances, the internal organization must be structured according to the type and size of the enterprise as well as according to the number, type, and complexity of the business relationships. The effective fulfilment of the internal functions and due diligence requirements must be ensured at all times.

3) The persons subject to due diligence must prepare an internal annual report in which an overview is given of the measures that have been taken to implement this Act during the preceding calendar year.

4) The Government shall provide further details by ordinance.

## Article 22

*Internal functions*

- 1) The persons subject to due diligence must appoint a contact person for the FMA as well as persons or expert bodies for the internal functions of compliance officers and investigating officers.
- 2) Substitution must be ensured at all times.
- 3) One person or, if applicable, one expert body may carry out several functions, provided that the implementation of this Act is ensured.
- 4) The Government shall provide further details by ordinance.

**V. Supervision****A. Executing Authority**

## Article 23

*Competence*

The FMA shall supervise the execution of this Act, without prejudice to the powers of the FIU.

**B. Inspections**

## Article 24

*Ordinary inspections*

- 1) The FMA shall carry out ordinary inspections on a regular, spot-check basis with respect to compliance with the provisions of this Act, or it shall have such inspections carried out.
- 2) The frequency and intensity of inspections shall depend on the type, scope, complexity, and risk level of the business activities undertaken by the persons subject to due diligence.

3) The inspections shall encompass both formal inspection concerning compliance with the documentation obligation as well as material inspection concerning the plausibility of the due diligence measures taken.

4) Repealed

5) If an audit office subject to special legislation is at the disposal of the persons subject to due diligence, their compliance with the provisions of this Act shall as a rule be verified by that audit office at the request of the FMA or by the FMA itself.

6) All other persons subject to due diligence shall be inspected by the FMA or at the request of the FMA by auditors or auditing companies with respect to compliance with the provisions of this Act. The aforementioned persons subject to due diligence may submit two proposals for auditors or auditing companies stating their preference. The FMA shall as a rule mandate the preferred auditor or auditing company. The FMA may restrict the selection of auditing companies for individual categories of persons subject to due diligence, to the extent special expertise is required.

7) The records and data of the inspection must be processed and stored exclusively in Liechtenstein.

8) The findings obtained in the course of the inspections may be used for the sole purpose of combating money laundering, predicate offences of money laundering, organized crime, and terrorist financing. This provision is without prejudice to article 34.

9) The costs of ordinary inspection activities as well as the associated administrative costs within the meaning of this Act shall be borne by the inspected persons subject to due diligence. The costs of mandated third parties shall be based on the applicable fee schedule customary for the sector and must be proportionate to the purpose of the inspection activities.

10) The Government shall provide further details by ordinance, especially the procedure for carrying out inspections.

## Article 25

### *Extraordinary inspections*

1) Subject to paragraphs 2 and 3, the provisions set out in article 24 shall apply mutatis mutandis to extraordinary inspections (article 28, paragraph 1 (c)).

2) If the FMA mandates third parties to carry out an extraordinary inspection, these third parties must submit a budget to the FMA for approval before commencing the procedure. The costs of mandated third parties shall be based on the applicable fee schedule customary for the sector and must be proportionate to the purpose of the extraordinary inspection.

3) The costs of the extraordinary inspections shall be charged to the inspected persons subject to due diligence, if the investigation determines a violation of supervisory provisions. In all other cases, the State shall bear the costs.

### **C. Mandated Auditors, Auditing companies, and Audit offices subject to special legislation**

#### Article 26

##### *Preconditions*

1) Unless the inspections are carried out by the FMA itself, only auditors, auditing companies, and audit offices subject to special legislation may be mandated which:

- a) hold a licence under the Law on Auditors and Auditing Companies or a licence as an audit office under special legislation;
- b) are independent from the persons subject to due diligence to be audited;  
and
- c) provide proof of regular participation in external basic and continuing training.

2) The Government shall provide details concerning the preconditions set out in paragraph 1 by ordinance.

#### Article 27

##### *Obligations*

By accepting the mandate, the auditor, auditing companies, or audit office subject to special legislation commit themselves to:

- a) comply with the basic principles determined by the FMA on inspection activities;

- b) report to the FMA on their inspection activities. No significant facts may be withheld from the report. The information given in the report must be true;
- c) keep silent about the findings of their inspection activities. Within the scope of their activities pursuant to this Act, they shall be subject to official secrecy. This provision is without prejudice to (b) and article 28, paragraph 4; and
- d) process and store the records and data of the inspections exclusively in Liechtenstein.

## D. Measures

### Article 28

#### *Supervisory measures*

1) The FMA shall take the necessary measures in the framework of its supervision of the persons subject to due diligence. It may in particular:

- a) issue orders, guidelines, and recommendations;
- b) carry out ordinary inspections within the meaning of article 24 or have them carried out;
- c) carry out extraordinary inspections or have them carried out if there are indications for doubts as to fulfilment of due diligence requirements or if circumstances exist that appear to endanger the reputation of the financial centre;
- d) as a result of repeated or serious violations of individual provisions of this Act and to prevent further violations, prohibit the initiation of new business relationships for a limited period of time;
- e) request the responsible authority to undertake appropriate disciplinary measures. The disciplinary authority shall periodically inform the FMA on the status of the ongoing proceedings.

2) The FMA shall inform the persons subject to due diligence on its practice.

3) On recommendation of the business associations, the FMA may, after hearing the views of the Financial Intelligence Unit, issue instructions interpreting the provisions of this Act and the implementing ordinances as appropriate to each industry.

4) The FMA may demand from the persons subject to due diligence as well as from those mandated to inspect pursuant to article 24, paragraph 5 or 6 all information and records it requires to fulfil its supervisory activities for the purposes of this Act.

### **E. Legal Remedies**

#### Article 29

##### *Administrative appeal*

1) Decisions and orders by the FMA shall be subject to appeal to the FMA Complaints Commission within 14 days from service.

2) Decisions and orders by the FMA Complaints Commission shall be subject to appeal to the Administrative Court within 14 days from service.

## **VI. Penal Provisions, Administrative Measures, Business Measures, and Administrative Assistance**

### **A. Penal Provisions**

#### Article 30

##### *Misdemeanours*

1) The Court of Justice shall punish with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates for a misdemeanour anyone who wilfully:

- a) fails to identify or verify the identity of the contracting party, or to repeat such identification or verification, in accordance with article 6;
- b) fails to identify or verify the identity of the beneficial owner, or to repeat such identification or verification, in accordance with article 7;
- c) Repealed
- d) Repealed
- e) Repealed

- f) Repealed
  - g) fails to submit a report to the FIU in accordance with article 17, paragraph 1;
  - h) discontinues a business relationship in violation of article 18, paragraph 1;
  - i) fails to refrain from actions specified in article 18, paragraph 2 that might obstruct or interfere with any orders pursuant to §97a StPO, without such actions having been approved in writing by the FIU;
  - k) violates the obligation not to disclose information specified in article 18, paragraph 3;
  - l) Repealed
  - m) as an auditor, auditing company, or audit office subject to special legislation, commits a gross violation of the obligations contained in article 27 (b), especially by making incorrect statements in the audit report or by withholding significant facts;
  - n) as an auditor, auditing company, or audit office subject to special legislation, violates the obligation of secrecy required by article 27 (c);
  - o) as an auditor, auditing company, or audit office subject to special legislation, processes or stores inspection records and data outside Liechtenstein, in violation of article 27 (d);
  - p) Repealed
- 2) A person shall not be punished pursuant to paragraph 1 (a) to (d) who does not personally fulfil the corresponding obligations, in accordance with the preconditions of article 15, paragraph 1 or 2, if the person:
- a) has by written agreement determined a person subject to due diligence to fulfil such obligations; and
  - b) appropriately verifies proper fulfilment of the obligations.
- 3) The limitation period shall be three years.

#### Article 31

##### *Administrative offences*

- 1) The FMA shall punish by a fine of up to 100,000 Swiss francs for committing an administrative offence anyone who:



- a) refuses to give information, makes incorrect statements, or withholds significant facts vis-à-vis the FMA, an auditor, an auditing company, or an audit office subject to special legislation;
- b) fails to comply with an order to restore the lawful state or any other order issued by the FMA in the course of enforcing this Act;
- c) permits the outflow of assets, in violation of article 35;
- d) in violation of articles 5 to 14 of Regulation (EC) No. 1781/2006 fails to collect, keep, verify, or transmit the required information, carries out or receives transfers of funds, or breaches record-keeping or reporting duties.
- e) fails to establish and update the profile of the business relationship in accordance with article 8;
- f) fails to carry out risk-adequate monitoring of a business relationship in accordance with article 9;
- g) fails to meet the enhanced due diligence obligations in accordance with article 11;
- h) maintains a prohibited business relationship in violation of article 13, paragraphs 1, 3 and 4 or fails to take appropriate measures in accordance with article 13, paragraph 2;
- i) delegates compliance with due diligence obligations to third parties in violation of article 14, paragraphs 1 to 3 or outsources them in violation of article 14, paragraph 4;
- k) fails to ensure global application of due diligence standards in accordance with article 16;
- l) fails to keep or maintain due diligence files in accordance with article 20;
- m) fails to ensure internal organization in accordance with article 21;
- n) fails to ensure internal functions in accordance with article 22;
- o) fails to have the inspection pursuant to article 28, paragraph 1 (b) or (c) carried out as a whole or in regard to individual areas of the persons subject to due diligence.

2) Anyone who fails to submit a report in accordance with article 3, paragraph 3 or article 39, paragraph 2 shall be punished by the FMA for committing an administrative offence with a fine of up to 10,000 Swiss francs.

3) The limitation period shall be three years.

## Article 32

*Applicability of other criminal law provisions*

The provisions of this Act are without prejudice to criminal liability arising from other criminal law provisions.

## Article 33

*Responsibility*

If the violations are committed in the course of the business operations of a legal person or a trust, the penal provisions shall apply to the persons who acted or should have acted on behalf of such legal person or trust; the legal person or the trust fund shall, however, be jointly and severally liable for criminal fines, administrative fines, and costs.

**B. Administrative Measures**

## Article 34

*Reservation of additional measures*

The provisions of this Act are subject to additional measures against the persons subject to due diligence in accordance with applicable special legislation.

**C. Business-related Measures**

## Article 35

*Lack of disclosure*

1) If persons subject to due diligence still maintain accounts or custody accounts in the context of business relationships which were opened before 1 January 2001 and which under law applicable at the time did not require a business profile including the beneficial owner, they may not permit any outflow of assets as long as the requisite information and records are not available.

2) The outflow of assets shall be permissible on an exceptional basis if:

- a) the balance of assets of the business relationship does not exceed 25,000 Swiss francs;
- b) no suspicion of connection with money laundering, predicate offences of money laundering, organized crime, or terrorist financing exists;
- c) the name of the person to whom the assets are to be transferred is evident from the due diligence files;
- d) the assets are transferred in a way that allows the authorities to trace them;
- e) the business relationship is immediately terminated once the assets have been transferred.

#### **D. Administrative Assistance**

##### Article 36

###### *Cooperation between domestic authorities*

1) The domestic authorities, in particular the courts, the Office of the Public Prosecutor, the FMA, the FIU, the National Police, and other authorities responsible for combating money laundering, organized crime, and terrorist financing are required to provide all information and transmit all records to each other that are necessary for the enforcement of this Act.

2) In proceedings relating to §§ 165, 278 to 278d StGB, the Office of the Public Prosecutor shall inform the FMA and the FIU whenever such proceedings are initiated and discontinued, and the courts shall transmit copies of any judgments rendered in such proceedings. In addition, the persons subject to due diligence that have submitted a report pursuant to article 17 shall be informed of the outcome of the corresponding proceedings.

3) In addition, the Office of the Public Prosecutor shall inform the FMA on the initiation and discontinuation of proceedings in connection with article 30, and the courts shall transfer copies of any judgments rendered in such proceedings.

## Article 37

*Cooperation with foreign authorities*

1) The following provisions shall apply to the extent that cooperation with foreign authorities is not regulated by special legislation.

2) The FMA shall transmit information to a requesting competent foreign financial market supervisory authority which that authority needs to fulfil its supervisory responsibilities if:

- a) the sovereignty, security, public order, or other essential interests of the State are not violated;
- b) the recipient and the persons employed and mandated by the competent authority are subject to a confidentiality requirement equivalent to article 23 of the Public Enterprise Act;
- c) it is guaranteed that the transmitted information is only used to verify compliance with due diligence requirements as referred to in this Act;
- d) in the case of information originating from abroad, express consent of the authority that transmitted the information has been given and it is guaranteed that the information will only be transmitted for the purposes to which these authorities have consented.

3) The FMA may request foreign financial market authorities to transmit information necessary for fulfilment of the responsibilities under this Act. The FMA may forward the information received to competent domestic authorities.

4) Information received from foreign authorities may only be used by the competent domestic authorities for the following purposes:

- a) to verify compliance with due diligence requirements;
- b) to impose sanctions;
- c) in the framework of administrative proceedings concerning the appeal of decisions of a responsible authority; or
- d) in the framework of judicial proceedings.

## VII. Transitional Provisions and Final Clauses

### Article 38

#### *Implementing ordinances*

The Government shall issue the ordinances necessary to implement this Act, in particular with regard to:

- a) the definition of beneficial owner (article 2, paragraph 1 (e));
- b) the definition of politically exposed person (article 2, paragraph 1 (h));
- c) the thresholds referred to in article 4 (c) (5);
- d) the procedure in cases of doubts about the veracity or adequacy of data on the identity of the contracting party or the beneficial owner (article 5, paragraph 2 (c));
- e) the procedure for cases in which the information and documents needed to identify and verify the identity of the contracting party and the beneficial owner upon establishing the business relationship are not fully available (article 5, paragraph 4);
- f) the procedure for identifying and verifying the identity of the contracting party as well as the confirmatory nature of documents (article 6, paragraph 3);
- g) the procedure for identifying and verifying the identity of the beneficial owner (article 7, paragraph 4);
- h) the establishment of the business profile (article 8, paragraph 3);
- i) the design of risk-adequate monitoring of business relationships as well as the content and scope of clarifications (article 9, paragraph 6);
- j) any additional products or transactions with a low risk of money laundering or terrorist financing (article 10, paragraph 4);
- k) details concerning enhanced due diligence (article 11, paragraph 6); m) information on the payer for electronic payment orders (article 12); n) the delegation of due diligence (article 14, paragraph 5);
- l) the global application of the due diligence standard (article 16, paragraph 3);
- m) the procedure for submitting a report (article 17, paragraph 1);

- n) details on the documentation requirement, internal organization, and internal functions (article 20, paragraph 1, article 21, paragraph 4, and article 22, paragraph 4);
- o) details and the procedure for carrying out inspections (article 24, paragraph 10);
- p) details concerning the preconditions for mandating auditors, auditing companies, and audit offices subject to special legislation (article 26, paragraph 2).

#### Article 39

##### *Transitional provisions*

1) Subject to the following paragraphs, the new law shall apply to business relationships existing at the time of entry into force of this Act from the time of entry into force for the future.

2) Persons subject to due diligence referred to in article 3, paragraph 3 who have already taken up business prior to entry into force of this Act shall notify their pursuit of business to the FMA within three months of entry into force of this Act.

3) For existing business relationships, the due diligence files must be supplemented in the course of carrying out special clarifications pursuant to article 9, paragraph 4.

4) To the extent that due diligence can no longer be delegated under this Act, these obligations must be carried out within three months of entry into force of this Act by the person subject to due diligence.

5) Global application of due diligence under article 16 must be implemented within one year of entry into force of this Act.

6) The designation of business relationships and transactions with higher risks under article 11, paragraph 1 and the establishment of additional measures under article 11, paragraph 2 as well as the requisite adjustment of internal instructions must be carried out within one year of entry into force of this Act. The FMA may, on the basis of a justified request, extend this deadline by an additional year.

7) Existing contractual relationships as referred to in article 13, paragraph 3 (passbooks, accounts, or custody accounts payable to bearer) must be dissolved immediately as soon as the relevant bank or postal institution records

are presented. Outflows of assets are only permissible if the associated contractual relationships are dissolved at the same time. In such cases, the bank or postal institutions must identify and verify the identity of the bearer of the relevant records and the beneficial owner pursuant to articles 6 and 7 before transferring the assets, if the balance exceeds 25,000 francs.

8) The persons subject to due diligence must modify the relevant internal documents in connection with this Act, especially internal instructions, guidelines, and forms, within three months of entry into force of this Act.

#### Article 40

##### *Repeal of existing law*

The following acts are hereby repealed:

- a) Law of 26 November 2004 on Professional Due Diligence in Financial Transactions (Due Diligence Act, DDA), LGBI. 2005 No. 5;
- b) Law of 25 November 2005 amending the Due Diligence Act, LGBI. 2005 No. 281;
- c) Law of 17 Mai 2006 amending the Due Diligence Act, LGBI. 2006 No. 129;
- d) Law of 24 November 2006 amending the Due Diligence Act, LGBI. 2007 No. 15;
- e) Law of 20 September 2007 amending the Due Diligence Act, LGBI. 2007 No. 270.

#### Art. 41

##### *Entry into force*

Subject to expiration of the referendum period without a referendum being called, this Act shall enter into force on 1 March 2009, otherwise on the day of its promulgation.

Fürstliche Regierung:  
gez. *Dr. Klaus Tschüscher*  
Fürstlicher Regierungschef

**Ordinance**

of 17 February 2009

**on Professional Due Diligence to Combat Money  
Laundering, Organized Crime and Terrorist  
Financing  
(Due Diligence Ordinance; DDO)**

Pursuant to article 38 of the Law of 11 December 2008 on Professional Due Diligence to Combat Money Laundering, Organized Crime and Terrorist Financing (Due Diligence Act; DDA), LGBl. 2009 No. 47, the Government hereby issues the following Ordinance:

**I. General provisions**

Article 1

*Object and purpose*

- 1) This Ordinance governs in particular:
- a) identifying and verifying the identity of the contracting party and the beneficial owner;
  - b) the content of the business profile;
  - c) risk-adequate monitoring of business relationships;
  - d) enhanced due diligence obligations, delegation of due diligence obligations and global monitoring;
  - e) the procedure to be adopted when filing a report with the Financial Intelligence Unit (FIU);
  - f) documentation requirements and internal organization;
  - g) carrying out of inspections;
  - h) requirements for the appointment of auditors, auditing companies and auditing offices subject to special legislation.
- 2) It serves to:
- a) implement Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing (EEA Compendium of Laws: Appendix IX - 23b.01);
  - b) implement Directive 2006/70/EC of the Commission of 1 August 2006 laying down implementing measures for Directive 2005/60/EC of the European Parliament and the Council as regards the definition of "politically exposed persons" and the technical criteria for simplified customer due diligence procedures and for exemption on grounds of a financial activity conducted on an occasional or very limited basis (EEA Compendium of Laws: Appendix. IX - 23ba.01);
  - c) lay down the measures necessary to implement Regulation (EC) No. 1781/2006 of the European Council and of the Parliament of 15 November 2006 concerning information on the payer accompanying transfers of funds (EEA Compendium of Laws: Appendix. IX - 23d.01).



## Article 2

*Politically exposed persons*

1) The term "prominent public functions" within the meaning of article 2, paragraph 1 (h) of the Act shall include the following functions (except where mid-ranking or junior):

- a) heads of state, heads of government, ministers and deputy or assistant ministers and senior officials of political parties;
- b) members of parliaments;
- c) members of supreme courts, of constitutional courts or of other high-level judicial bodies whose decisions are not subject to further appeal, except in exceptional circumstances;
- d) members of courts of auditors or of the boards of central banks;
- e) ambassadors, *chargés d'affaires* and high-ranking officers in the armed forces;
- f) members of the administrative, management or supervisory bodies of state-owned enterprises.

2) The term "immediate family members" within the meaning of article 2, paragraph 1 (h) of the Act shall include:

- a) the spouse;
- b) any partners considered by national law as equivalent to the spouse;
- c) the children and their spouses or partners;
- d) the parents.

3) The term "persons known to be close associates" within the meaning of article 2, paragraph 1 (h) of the Act shall include:

- a) any natural person who is known to have joint beneficial ownership of legal entities, or any other close business relations, with a holder of a prominent public office;
- b) any natural person who has sole beneficial ownership of a legal entity which is known to have been set up for the benefit de facto of the holder of a prominent public office.

## Article 3

*Beneficial owners*

1) The term "beneficial owner" shall include:

- a) in the case of corporations, including institutions structured as corporations, as well as companies without a legal personality: those natural persons who directly or indirectly:
  - 1. hold or control a share or voting rights amounting to 25% or more of such legal entities;
  - 2. receive 25% or more of the profits of such legal entities; or
  - 3. exercise control over the management of such legal entities in another way;
- b) in the case of foundations, trusts and establishments structured in a similar way to foundations:
  - 1. where the beneficiaries have been named, those natural persons who are the beneficiaries of 25% or more of the assets of such a legal entity;
  - 2. where no individual persons have been named as beneficiaries, those natural persons or the group of persons in whose interest such a legal entity was mainly established;
  - 3. in addition, those natural persons who ultimately exercise direct or indirect control over the assets of such a legal entity;
- c) in the case of insurance contracts: those natural persons who are economically responsible for payment of the insurance premiums.

2) Control within the meaning of paragraph 1 shall in particular include the ability:

- a) to dispose of the assets of the legal entity;
- b) to amend the provisions governing the essential nature of the legal entity;
- c) to amend the beneficiaries; or
- d) to influence the exercise of the control powers under (a) to (c) above.

#### Article 4

##### *Threshold values for occasional activity*

Activities shall be deemed to be occasional within the meaning of article 4 (c) (5) of the Act if the individual activity does not exceed the value of CHF 1,000 and no more than 100 transactions per year are carried out.

#### Article 5

##### *Designations*

The designations used in this Ordinance to denote persons, functions and professions include persons of male and female gender alike.

## **II. Due diligence obligations**

### **A. Identifying and verifying the identity of the contracting party and the beneficial owner**

#### **1. Identifying and verifying the identity of the contracting party**

#### Article 6

##### *Basic principle*

1) When initiating a business relationship or processing an occasional transaction by personal contact, the person subject to due diligence shall identify and verify the identity of the contracting party by inspecting a document with probative value (original or certified copy) relating to the contracting party, and by collecting and documenting the following information:

- a) for natural persons: last name, first name, date of birth, address of residence, state of residence and nationality;
- b) for legal entities: name or company name, legal form, address of domicile, state of domicile, date of formation, place and date of entry in the public register (where applicable), and the names of the bodies or trustees formally acting on behalf of the legal entity in dealings with the person subject to due diligence.

2) If the contracting party is a legal entity, the persons subject to due diligence shall ensure that the person purporting to act on its behalf is authorized to do so. The persons subject to due diligence shall verify the identity of such persons by inspecting a document with probative value (original or certified copy) or by confirming the authenticity of the signature (article 9).

3) When initiating a business relationship by correspondence, the persons subject to due diligence shall identify and verify the identity of the contracting party by obtaining the original or a certified copy of a document with probative value and obtaining from the contracting party a confirmation of the information under paragraph 1 by means of a signature or by the use of a secure electronic signature in accordance with article 2, paragraph 1 (d) or article 24, paragraph 3 of the Signature Act.

*Documents with probative value*

## Article 7

*a) Natural persons*

1) For natural persons, documents with probative value shall include a valid official identification document with a photograph (in particular a passport, identity card or driving licence). An identification document shall be deemed to be valid if it entitles the contracting party to enter the Principality of Liechtenstein at the time when the contracting party's identity is established and verified.

2) If the contracting party cannot provide such a document from his home country, he shall provide a confirmation of identity from the authority responsible in his domicile.

## Article 8

*b) Legal entities*

1) For legal entities entered in the public register, documents with probative value shall include:

- a) an extract from the public register issued by the public register authority;
- b) a written extract from a database maintained by the public register authority; or
- c) a written extract from a trustworthy privately maintained directory or equivalent database.

2) For legal entities not entered in the public register, documents with probative value shall include:

- a) an official certificate issued in Liechtenstein;
- b) the statutes, formation documents or formation agreement;
- c) a certification of the information specified under article 6, paragraph 1 (b) by the appointed auditor of the annual accounts;
- d) an official licence to conduct its activities; or
- c) a written extract from a trustworthy privately maintained directory or equivalent database.

## Article 9

*Certificate of authenticity*

Certificates of the authenticity of a copy of a document with probative value or of the authenticity of a signature may be issued by:

- a) a branch or corporate affiliate of the person subject to due diligence;
- b) another person subject to due diligence pursuant to article 3, paragraph 1 (a) to (i) of the Act, a lawyer, a professional trustee, an auditor or an asset manager that is subject to Directive 2005/60/EC or equivalent regulation and subject to supervision; or
- c) a notary public or other public office that normally issues such certificates of authenticity.

## Article 10

*Form and treatment of documents*

1) If a business relationship is initiated by correspondence, the persons subject to due diligence shall include the original or a certified copy of the document with probative value in the due diligence files. If, for the purposes of identifying and verifying the identity of the contracting party, the persons subject to due diligence obtain the original of a document with probative value pursuant to article 8 from a person authorized to issue certificates of

authenticity pursuant to article 9, they may then proceed as set out under paragraph 2.

2) If a business relationship is initiated or an occasional transaction is processed by personal contact, it shall be sufficient for the persons subject to due diligence to make a copy of the original or a certified copy thereof, confirm on that copy that they have inspected the original or certified copy, sign and date the copy, and include it with the due diligence files.

3) The documents necessary for identity verification shall reflect the current circumstances. Certificates of authenticity, register extracts and confirmations by the appointed annual auditor may not be older than 12 months.

## **2. Identifying and verifying the identity of the beneficial owner**

### Article 11

#### *Written statement by the contracting party*

1) In order to identify and verify the identity of the beneficial owner, the persons subject to due diligence shall collect and document the information set out in article 6, paragraph 1 (a).

2) The persons subject to due diligence shall obtain confirmation of the accuracy of the information from the contracting party or a person authorized by the latter, by means of a signature or using a secure electronic signature pursuant to article 2, paragraph 1 (d) or article 24, paragraph 3 of the Signature Act.

3) In the case of collective accounts, deposits or policies, the persons subject to due diligence shall not be required to obtain a confirmation pursuant to paragraph 2 from the contracting party. However, they shall maintain a complete list of beneficial owners and ensure that they are notified without delay of any changes. The list shall contain the relevant information pursuant to paragraph 1 for each beneficial owner.

### Article 12

#### *Legal entities where there is no specific beneficial owner*

1) In the case of legal entities where there is no specific beneficial owner, such as discretionary trusts or discretionary foundations, the contracting party shall provide a written statement confirming this situation. The statement shall also contain information regarding:

- a) the effective, not the fiduciary depositor;
- b) if determinable, the persons who are authorized to issue instructions to the contracting party or its bodies;
- c) if determinable, the persons or group of persons eligible as beneficiaries; and d) any curators, protectors or other appointed persons.

2) In the case of legal entities whose purpose is to safeguard the interests of their members by way of joint and mutual assistance or that, pursuant to their statutes and actually, pursue political, religious, scientific, artistic, charitable, entertainment or similar purposes, paragraph 1 shall apply, *mutatis mutandis*.

### Article 13

#### *Insurance contracts*

Before paying out insurance benefits or before the point at which the beneficiary intends to claim his entitlements arising out of the contract, the insurance company shall identify the beneficiary of the insurance contract and verify the same using appropriate risk-based measures.

### Article 14

*Notaries public, lawyers and legal agents*

1) If a person subject to due diligence pursuant to article 3, paragraph 1 (a) to (h) of the Act waives the requirement to identify and verify the identity of the beneficial owner pursuant to article 10, paragraph 2 of the Act, the notary public, lawyer or legal agent shall supply a written statement that the accounts or deposits exclusively serve one of the following purposes:

- a) the handling and, if applicable, related short-term investment of advances on court fees, bails, public charges and the like, as well as payments to or from parties, third parties or public authorities (designation: e.g. "client funds settlement account/custody account");
- b) the depositing and, if applicable, related investment of assets from a pending division of an estate or execution of a will (designation: e.g. "estate" or "division of estate");
- c) the depositing/investment of assets from a pending separation of property in connection with a divorce or separation (designation: e.g. "separation of marital property");
- d) the depositing for security/investment of assets in matters of civil or public law (designation: e.g. "escrow account/deposit", "share purchase blocked deposit", "entrepreneur security deposit", "real estate gains tax security deposit");
- e) the depositing/investment of assets in matters of civil or public law before ordinary courts or courts of arbitration and in proceedings under judicial foreclosure law (designation: e.g. "advances", "court security deposit", "bankruptcy estate", "arbitration proceedings").

2) The person subject to due diligence pursuant to article 3, paragraph 1 (a) to (h) of the Act shall label the accounts or custody accounts accordingly.

3) If a person subject to due diligence pursuant to article 3, paragraph 1 (a) to (h) of the Act becomes aware that a statement pursuant to paragraph 1 has been issued wrongly, that person or entity shall obtain from the contracting party a written statement as to the beneficial owner. If no statement is supplied, the business relationship shall be discontinued and the outflow of assets adequately documented, unless the criteria for the reporting obligation pursuant to article 17, paragraph 1 of the Act have been fulfilled.

**3. Joint provisions**

## Article 15

*Repeating the process of identifying and verifying identity*

1) If, despite repeating the process of identifying and verifying the identity of the contracting party or beneficial owner, doubts remain as to the information provided by them, the persons subject to due diligence shall discontinue the business relationship and adequately document the outflow of assets.

2) Persons subject to due diligence may not discontinue the business relationship if the criteria for the reporting obligation pursuant to article 17, paragraph 1 of the Act have been fulfilled.

3) In the event that the policyholder of an existing insurance contract is replaced by another policyholder, the identity of the contracting party and the beneficial owner shall be established and verified once again.

## Article 16

*Correspondent banking relationships*

1) Where payable-through accounts are concerned, persons subject to due diligence pursuant to article 3, paragraph 1 (a) to (i) of the Act that provide correspondent bank services for correspondent institutions in third countries shall satisfy themselves that the correspondent institution:

- a) has verified the identity of the persons that have direct access to the correspondent institution's accounts;
- b) has subjected those persons to continuous monitoring; and

c) is in position to submit the relevant data concerning these due diligence obligations to the person subject to due diligence on request.

2) When obtaining information for the purpose of determining the reputation of a respondent institution in accordance with article 11, paragraph 5 (a) of the Act, it must also be taken into account whether the respondent institution has already been the object of investigations or supervisory measures in connection with money laundering or terrorist financing.

#### Article 17

##### *Payer information in electronic payment transactions*

1) For all money transfers, payment service providers shall supply the name, account number and address of the payer. If no account number for the payer is available, the payment service provider shall replace this with an identification number linked to the client that will enable the transaction to be traced back to the payer. The address may be replaced by the date and place of birth of the payer, his client number or his national identity number.

2) By way of derogation from paragraph 1, payment service providers may, when processing money transfers within the EEA member states or states deemed equivalent thereto on the basis of international treaties, supply only the account number of the payer or an identification number linked to the client that will enable the transaction to be traced back to the payer. On request from the payee's payment service provider, the payer's payment service provider shall supply the former with the complete payer data record pursuant to paragraph 1 within three working days.

3) The payee's payment service provider shall establish whether the payer information stipulated in paragraph 1 or 2 is missing or incomplete, and, in the event that it is, shall either reject the money transfer or request the complete payer data record pursuant to paragraph 1.

4) Any payment service provider acting as intermediary in a money transfer shall ensure that all payer information supplied in connection with a money transfer is retained when it is forwarded.

#### Article 18

##### *Information and documents for initiating a business relationship*

1) All information and documents required to identify and verify the identity of the contracting party and the beneficial owner shall be available, in full and in due form, at the time the business relationship is initiated or an occasional transaction is carried out.

2) If necessary to maintain normal business, it may exceptionally be deemed sufficient if the information and documents required are made available as soon as possible after the business relationship has been initiated. In this event, the person subject to due diligence shall ensure that no outflows of funds take place in the meantime.

3) If the required information and documents are incomplete and this cannot be justified on the grounds of maintaining normal business within the meaning of paragraph 2, the persons subject to due diligence shall proceed in accordance with article 5, paragraph 3 (b) of the law.

#### Article 19

##### *Use of secure electronic signatures by legal persons*

Confirmations pursuant to article 6, paragraph 3 and article 11, paragraph 2 may be provided by legal persons using secure electronic signatures provided that:

a) the signing authority of the signatory representing the legal person has been entered as an attribute in a qualified certificate pursuant to article 5, paragraph 1 (d) of the Signature Act or in a separate qualified attribute certificate pursuant to article 5, paragraph 2 of the Signature Act; and

b) the certificate is no older than 12 months.

## **B. Business profile**

### Article 20

#### *Content of the business profile*

1) The business profile pursuant to article 8 of the Act shall contain the following information:

- a) contracting party and beneficial owner;
- b) authorized agents and bodies acting in dealings with the persons subject to due diligence;
- c) economic background and origin of the assets deposited;
- d) profession and business activity of the effective depositor of the assets; and e) the intended use of the assets.

2) The degree of detail of the information pursuant to paragraph 1 (c) to (e) shall take account of the risk involved in the business relationship.

## **C. Risk-adequate monitoring of business relationships**

### Article 21

#### *Computerized systems*

1) Risk-adequate monitoring of business relationships pursuant to article 9 of the Act shall be conducted using computerized systems, as far as this is possible and provided that the costs are in suitable proportion to the anticipated benefit. Normally, the use of a suitable, state-of-the-art system shall be required.

2) If the persons subject to due diligence do not use a computerized system to identify business relationships with politically exposed persons, they shall use another appropriate risk management system to achieve this end.

### Article 22

#### *Clarifications*

1) Simple clarifications pursuant to article 9, paragraph 3 of the Act shall serve to assess the plausibility of circumstances or transactions that deviate from the business profile. In this connection, the person subject to due diligence shall obtain, evaluate and document such information as is useful in rendering the background to such circumstances or transactions plausible and comprehensible.

2) As part of special clarifications pursuant to article 9, paragraph 4 of the Act, the person subject to due diligence shall obtain, evaluate and document such information as is useful in dispelling or corroborating any suspicion arising pursuant to article 17, paragraph 1 of the Act.

## **D. Enhanced due diligence obligations, delegation of due diligence obligations and global monitoring**

### Article 23

#### *Criteria and measures for business relationships and transactions involving higher risks*

1) Criteria for business relationships and transactions involving higher risks within the meaning of article, paragraph 11 (1) of the Act shall include, in particular:

- a) the registered office or place of residence of the contracting party and beneficial owner or their nationality;

- b) the nature and location of the contracting party's and beneficial owner's business activity;
- c) the nature of the products or services requested;
- d) the level and type of the assets deposited;
- e) the level of inflows and outflows of assets;
- f) the country of origin or destination of frequent payments.
- g) qualification of the contracting party or the beneficial owner as a formerly politically exposed person within the meaning of article 2, paragraph 1 (h) of the Act.

2) The indicators of money laundering, predicate offences of money laundering, organized crime and terrorist financing are enumerated in Annex 1.

3) Additional measures for transactions involving higher risks within the meaning of article 11, paragraph 2 of the Act shall include, in particular:

- a) verifying the identity of the contracting party using additional documents, data or information;
- b) clarifying the origin of the assets deposited;
- c) clarifying the intended use of assets withdrawn;
- d) clarifying the professional and business activity of the contracting party and beneficial owner.

#### Article 23a

##### Risk countries

1) Countries whose measures to combat money laundering and terrorist financing within the meaning of article 11 (6) b) of the Act do not meet the corresponding international standards or are insufficient (risk countries) are enumerated in Annex 2.

2) Transactions with contracting parties or beneficial owners from or in countries set out in Annex 2 (1) shall be subject to more intensive monitoring irrespective of the transaction value.

3) Transactions with contracting parties or beneficial owners from or in countries set out in Annex 2 (2) shall be subject to more intensive monitoring where the transaction value is 15,000 francs or more. This threshold shall apply irrespective of whether the transaction is executed in a single operation or in several operations which appear connected.

4) Where there are additional risk factors, transactions pursuant to (3) shall also be subject to more intensive monitoring irrespective of the transaction value.

#### Article 24

##### *Delegation of due diligence obligations*

1) If the person subject to due diligence arranges for the tasks of identifying and verifying the identity of the contracting party or the beneficial owner or compiling the business profile to be carried out by a delegate within the meaning of article 14, paragraph 1 of the Act:

- a) the person subject to due diligence shall ensure that the delegate obtains or prepares the documents and information in accordance with the provisions of the Act and this Ordinance, and transfers them without delay to the person subject to due diligence in the Principality of Liechtenstein, including a statement as to the identity of the person carrying out the identification and verification; and
- b) the delegate shall confirm with his signature that the copies created as part of the identification and verification process match the originals or certified copies, and that the written statement required as part of identifying and verifying the identity of the beneficial owner has been obtained from the contracting party or a person authorized pursuant to article 11, paragraph 2.



- 2) The act of delegation shall be documented.
- 3) Sub-delegation by delegates shall be prohibited.

#### Article 24a

##### *Outsourcing*

1) Risk-adequate monitoring of the business relationship in accordance with article 5, paragraph 1 (d) of the Act may, to the extent fulfilment of the obligations under the Act and this Ordinance are guaranteed, be carried out exclusively by outsourcing providers for the person subject to due diligence if:

- a) the outsourcing solution is based on a written contract;
- b) the outsourcing service provider is another person subject to due diligence in accordance with the Act or a natural or legal person abroad subject to Directive 2005/60/EC or equivalent regulation and supervision;
- c) it is contractually ensured that the outsourcing service provider is subject to the relevant internal instructions of the person subject to due diligence for the performance of this activity, without reservations or restrictions; the person subject to due diligence must additionally have the unrestricted and direct right to give the outsourcing service provider instructions in regard to performance of risk-adequate monitoring;
- d) it is contractually agreed that records indicating all transactions and the amount of assets are transmitted at least quarterly to the person subject to due diligence in the Principality of Liechtenstein;
- e) the person subject to due diligence contractually secures the full and unobstructed right to inspect and verify information and documents at any time. The outsourcing service provider must be required to transmit the relevant documents to the person subject to due diligence in the Principality of Liechtenstein on request and without delay;
- f) the outsourcing service provider is contractually required, in cases where the outsourcing service provider carries out special clarifications in accordance with article 9, paragraph 4 of the Act and/or submits suspicious activity reports in accordance with article 17 of the Act, to transmit the relevant records without delay to the person subject to due diligence in the Principality of Liechtenstein;
- g) the outsourcing service provider does not further transmit information to any third party.

2) Even where outsourcing occurs, the person subject to due diligence in the Principality of Liechtenstein remains responsible for compliance with the due diligence obligations.

3) The FMA may prohibit the person subject to due diligence from outsourcing risk-adequate monitoring or continuing such outsourcing if the outsourcing service provider does not fulfil or no longer fulfils the preconditions set out in paragraph 1.

4) These provisions are subject to the directives on outsourcing business areas in accordance with Annex 6 of the Banking Ordinance.

#### Article 25

##### *Global monitoring*

1) For the purposes of global monitoring of the risks associated with money laundering, organized crime and terrorist financing pursuant to article 16, paragraph 3 of the Act, banks shall in particular ensure that:

- a) the internal auditing department and the group's external auditing office are granted access to information about individual business relationships in all group companies whenever required. No central database of contracting parties and beneficial owners shall be required at group level, nor

shall there be any requirement for central access on the part of the group's internal supervisory bodies to local databases; and

b) group companies provide the group bodies responsible with the information that is essential for the global monitoring of the risks associated with money laundering, organized crime and terrorist financing.

2) Banks that form part of a domestic or foreign financial group shall grant the internal auditing department and the group's external auditing office access to information concerning specific business relationships whenever required, insofar as this is necessary for the global monitoring of the risks associated with money laundering, organized crime and terrorist financing.

3) If banks find that access to information regarding contracting parties and beneficial owners is prohibited or hindered for legal or practical reasons in certain countries, they shall inform the FMA of this fact without delay.

### **III. Reporting obligation**

#### Article 26

##### *Report to the FIU*

1) The report pursuant to article 17, paragraph 1 of the Act shall contain all information required for the FIU to evaluate the matter.

2) The Financial Intelligence Unit confirms the date of the receipt of the suspicious transaction report in written form. Additional necessary information in context with the submitted suspicious transaction report can be requested from the reporting entity as well as other affected parties by the Financial Intelligence Unit after the receipt of the suspicious transaction report. The requested information shall be submitted without undue delay; if necessary the Financial Intelligence Unit can set a deadline for its submission.

3) The Financial Intelligence Unit can issue guidance as well as a standardised form for the submission of suspicious transaction reports.

### **IV. Documentation and internal organization**

#### Article 27

##### *Due diligence files*

1) The due diligence files shall in particular contain the documents and records prepared and used in order to comply with the provisions of the Act and this Ordinance. They shall in particular include:

- a) the documents and records used to identify and verify the identity of the contracting party and the beneficial owner;
- b) the business profile pursuant to article 8 of the Act;
- c) the records of any clarifications carried out pursuant to article 9 of the Act as well as all documents and records used in this connection;
- d) records describing transactions and, if applicable, the asset balance; and
- e) any reports made to the FIU pursuant to article 17, paragraph 1 of the Act.

2) The documents and records referred to in paragraph 1 (a) and (b) are client-related documents and records; those referred to in paragraph 1 (c) to (e) are transaction-related documents and records within the meaning of article 20, paragraph 1 of the Act.

#### Article 28

##### *Preparation, safekeeping and access*

1) The due diligence files shall be prepared and kept in such a manner that:

- a) the required due diligence obligations can be complied with at any

time;

- b) they enable third parties with sufficient expertise to form a reliable judgment of compliance with the provisions of the Act and this Ordinance; and
- c) requests from the responsible domestic authorities and courts, auditors and auditing offices can be fully met within a reasonable period of time.

2) The due diligence files may be stored in written, electronic or similar form provided that:

- a) they match the documents on which they are based;
- b) they are available at all times; and
- c) they can be rendered readable at any time.

3) The integrity and legibility of image and data storage media kept within the meaning of paragraph 2 shall be checked regularly.

4) It may not be more difficult or time-consuming to check the records than it is the underlying documents.

5) The due diligence files shall be stored at a location within Liechtenstein that is accessible at any time.

6) The compliance officer must at all times be granted access to the due diligence files.

#### Article 29

##### *Record-making procedures*

1) The following information shall be added to records:

- a) names of the persons entrusted with making the record;
- b) nature and scope of the documents recorded;
- c) place and date of recording;
- d) damage to the documents, image and data storage media identified during recording or storage.

2) Records shall be checked for errors immediately upon completion; if any such errors are identified, the recording shall be repeated.

#### Article 30

##### *Internal annual report*

1) The persons subject to due diligence shall prepare the internal annual report for each year by the end of March of the following year. The annual report shall in particular contain:

- a) a report of the activities of the compliance officer and the investigating officer;
- b) an overview of repeated identification and identity verification procedures concerning the contracting party and beneficial owner pursuant to article 6, paragraph 2 and article 7, paragraph 3 of the Act as well as special clarifications carried out pursuant to article 9, paragraph 4 of the Act and the conclusions drawn, and in particular the reporting obligation pursuant to article 17, paragraph 1 of the Act;
- c) a report on the basic and continuing training of employees involved with business relationships during the previous calendar year;
- d) the number of business relationships and the numerical fluctuations thereof (balance, new and discontinued) compared with the previous year; and
- e) the number of employees involved with business relationships and the numerical fluctuations thereof compared with the previous year.

2) The annual report shall be forwarded to the FMA on request.

#### Article 31

*Internal instructions*

1) The persons subject to due diligence shall issue internal instructions governing specifically how the obligations arising out of the Act and this Ordinance are to be complied with, and shall make these instructions known to all employees involved with business relationships.

2) The instructions shall in particular govern:

- a) the duties, responsibilities, powers and supervision of internal functions pursuant to article 22 of the Act;
- b) the content, maintenance and safekeeping of the due diligence files; in respect of electronic recording and reproduction, rules governing organization, responsibility and technical procedures shall in particular be required;
- c) the methods used to identify and verify the identity of contracting parties and beneficial owners, and for the monitoring of business relationships;
- d) the procedure to be adopted by employees in the event of circumstances or transactions pursuant to article 9, paragraphs 2 to 4 of the Act; in particular notification to the compliance officer and the procedure for submitting reports to the FIU;
- e) the criteria to be employed in identifying higher risks pursuant to article 11, paragraph 1 of the Act;
- f) the additional measures pursuant to article 11, paragraph 2 of the Act they are to employ in order to identify, limit and monitor such higher risks;
- g) the cases in which the compliance officer must be consulted and the management informed;
- h) the fundamentals of the training provided to employees involved with business relationships; and
- i) the business policy concerning politically exposed persons as well as the risk management system used to establish whether a politically exposed person is involved in a business relationship.
- k) adequate verification measures to be applied when hiring new employees in order to ensure high standards in regard to their reliability and integrity. This may be documented also by way of other suitable internal documents.

3) The instructions shall be issued by the board of directors or the general management.

Article 32

*Basic and continuing training*

The persons subject to due diligence shall ensure that employees involved with business relationships receive up-to-date and comprehensive basic and continuing training. The knowledge imparted shall encompass the regulations on preventing and combating money laundering, predicate offenses of money laundering, organized crime and terrorist financing, in particular:

- a) the obligations arising out of the Act and this Ordinance;
- b) the relevant provisions of the Criminal Code; and c) the internal instructions pursuant to article 31.

Article 33

*Responsibilities of the contact person*

1) The contact person shall be responsible for contact between the person subject to due diligence and the FMA.

2) The FMA shall be notified immediately of the appointment or replacement of the contact person.

Article 34

*Responsibilities of the compliance officer*

The compliance officer shall:

- a) support and advise the management in the implementation of due diligence legislation and the design of the corresponding internal organization, but without relieving the management of its responsibility in this connection;
- b) draw up internal instructions (article 31); and
- c) plan and monitor the internal basic and continuing training of employees involved with business relationships (article 32).

## Article 35

*Responsibilities of the investigating officer*

1) The investigating officer shall ensure compliance with the Act, this Ordinance and internal instructions. For this purpose, he shall conduct internal inspections. In particular, he shall check whether:

- a) the necessary records are duly prepared and kept;
- b) the records pursuant to (a) indicate that due diligence obligations are being complied with;
- c) any reporting obligation has been duly complied with; and
- d) any requests from the responsible domestic authorities in respect of contracting parties, beneficial owners and authorized agents can be fully met within a reasonable period of time.

2) The investigating officer shall prepare a report of his inspection and forward it to the general management and the compliance officer.

## Article 36

*Function of the compliance officer and the investigating officer*

1) The compliance officer and the investigating officer shall have a sound knowledge in matters of the prevention and combating of money laundering, predicate offenses of money laundering, organized crime and terrorist financing, and be familiar with the current developments in these areas.

2) The responsibilities of the compliance officer and the investigating officer may be transferred to suitably qualified external persons or offices.

## Article 37

*Responsibility of the general management*

Persons subject to due diligence that are involved in very extensive asset management activity and multiple hierarchies may transfer the responsibility of the general management pursuant to article 11, paragraph 4 (b) and (c) as well as paragraph 5 (c) of the Act to the management of a corporate unit.

**V. Supervision****A. Inspections**

## Article 38

*Basis of the inspections*

The inspections pursuant to articles 24 and 25 of the Act shall in particular be based on:

- a) the due diligence files pursuant to article 20 of the Act; and
- b) the internal annual report pursuant to article 21 (3) of the Act.

## Article 39

*Formal and material inspections*

1) Formal inspections shall include an examination as to whether the legally prescribed data and records are fully available. They shall constitute a review of compliance with the documentation and safekeeping requirements pursuant to article 20 of the Act.

2) Material inspections shall comprise an evaluation of the content of the due diligence measures taken.

They shall therefore constitute a plausibility and system review. In particular, an evaluation shall be made as to whether:

- a) appropriate organizational measures have been taken pursuant to article 21 of the Act;
- b) the content of the due diligence obligations pursuant to the Act and this Ordinance has been complied with, and in particular whether the data and reports contained in the due diligence files can be derived in a plausible manner;
- c) the reporting obligation pursuant to article 17, paragraph 1 of the Act has been complied with in the light of the outcome of the clarifications carried out; and
- d) there are any circumstances that call into question the guarantee of proper conduct of business and impeccable management within the meaning of the Act.

## Article 40

*Inspection report*

1) The inspection report shall as a minimum contain:

- a) information on complaints;
- b) any violations of the provisions of the Act and this Ordinance;
- c) the measures ordered to restore a lawful state; and
- d) an evaluation of whether, in view of the outcome of the inspections, proper conduct of business and impeccable management within the meaning of the Act appear to be assured.

2) The FMA shall specify in more detail the minimum content of the inspection reports.

## Article 41

*Safekeeping*

1) The working papers prepared during inspections, as well as all associated documents and data storage media, shall be kept at a location within Liechtenstein in such a way that requests from the responsible domestic authorities can be fully met within a reasonable period of time.

2) The working papers, documents and data storage media shall be kept for a period of ten years following completion of the inspections concerned.

**B. Mandated auditors, auditing companies and auditing offices  
subject to special legislation**

## Article 42

*Preconditions*

1) Proof of participation in external basic and continuing training courses pursuant to article 26, paragraph 1 (c) of the Act for at least half a day per calendar year shall be supplied. The knowledge imparted in such courses must be in accordance with article 32 (a) and (b).

2) The independence of the auditor, auditing companies and auditing offices subject to special legislation from the persons subject to due diligence

that are to be audited must be ensured with respect to legal, economic and personal aspects. In particular:

- a) auditors may not be employees of the persons subject to due diligence that are to be audited, or of an undertaking associated legally, economically or personally with such persons or entities;
- b) auditors, auditing companies and auditing offices subject to special legislation may not participate, either directly or indirectly, in the profits of the persons subject to due diligence that are to be audited, or of an undertaking associated legally, economically or personally with such persons or entities.

## VI. Final clauses

### Article 43

#### *Repeal of existing law*

The following are hereby repealed:

- a) Ordinance of 11 January 2005 on the Due Diligence Act (Due Diligence Ordinance, DDO), LGBI. 2005 No. 6;
- b) Promulgation of 22 February 2005 on the Correction of Liechtenstein Law Gazette 2005 No. 6, LGBI. 2005 No. 47.

### Article 44

#### *Entry into force*

This Ordinance shall enter into force simultaneously with the Due Diligence Act of 11 December 2008.

The Government:  
signed *Otmar Hasler*  
Prime Minister



## **Indicators of money laundering, predicate offences of money laundering, organized crime, and terrorist financing**

### **I. Significance of the indicators**

The indicators of potential money laundering, predicate offences of money laundering, organized crime, or terrorist financing set out below are primarily intended to sensitize persons subject to due diligence. They indicate business relationships or transactions involving higher risks as referred to in article 11, paragraph 1 of the Act.

The indicators set out below are general indicators of money laundering, predicate offences of money laundering, organized crime, or terrorist financing. They may give rise to clarifications as referred to in article 9 of the Act. By themselves, the individual criteria are generally not likely to trigger a suspicion giving rise to a reporting obligation as set out in article 17, paragraph 1 of the Act. But the coincidence of several criteria or the lack of plausible explanations may indicate money laundering, predicate offences of money laundering, organized crime, or terrorist financing and thus trigger the reporting obligation.

Blanket explanations provided by the client (contracting party or beneficial owner) regarding the background of transactions in need of clarification are not sufficient. In this context, it is important that not every explanation provided by the client can be accepted at face value. The person subject to due diligence must verify the plausibility of every explanation provided by a client to the extent possible. If the transaction is plausible, this should be documented accordingly. If the clarifications indicate that the transactions or fact patterns are not plausible, the reporting obligation pursuant to article 17 of the Act is triggered.

The following list of indicators is not exhaustive.

### **II. General indicators**

1. Transactions involving a withdrawal of assets shortly after they have been deposited with the person subject to due diligence (pass-through accounts and transactions).
2. Transactions or structures where the client's reason for selecting this particular person subject to due diligence or branch to carry out the transactions is inexplicable.
3. Transactions resulting in significant activity on an account which was previously mostly dormant.
4. Transactions or structures which are inconsistent with the person subject to due diligence's experience of the client and the purpose of the business relationship.
5. Transactions or structures that are economically not plausible or in which the contracting party shows no interests in the expenses involved in processing the transactions.
6. Lack of cooperation by the client in identifying and verifying the identity of the contracting party or beneficial owner in accordance with article 5, paragraph 2 of the Act.
7. Unexpected or frequent change of the beneficial owner.
8. Unexpected change of the person subject to due diligence.
9. Unexpected or frequent change of the reachability of the client.

10. The client wilfully provides false or misleading information or fails to provide the information and documents necessary for the business relationship and customary for the activity concerned.
11. The client receives transfers from a country with crime rates known to be high (e.g. widespread corruption, terrorism, and major drug production) or makes transfers to such a country.
12. Attempt by the client to create a relationship of dependence with the person subject to due diligence.
13. Evident imbalance between performance and consideration, and purchase of assets by transferring evidently inferior assets.
14. Obvious attempt by the client to evade or refuse attempts by the person subject to due diligence to establish personal contact.
15. Business relationships with legal entities not entered in publicly maintained registers or databases and from which no certifications of equivalent value as referred to in article 8, paragraph 2 of the Due Diligence Ordinance can be obtained.
16. When personal discussions are held, the client is always accompanied by other persons whose function is not apparent and who play a role in the design of the business relationship.
17. The client provides contact data that does not match the contact data (address, telephone number) of the client's permanent residence.
18. Major project transactions for which the bulk of funding is said to be secured by investors who are not further specified.
19. The client requests discretion that goes beyond the customary scope.
20. The client requests accounts to be closed and to open new accounts in the client's name, in the name of family members, or in the name of other persons known to be close to the client, without leaving a paper trail.
21. The client requests receipts for cash withdrawals or deliveries of securities which in effect never took place or which were followed by the immediate deposit of such assets at the same institution.
22. The client requests payment orders to be executed with incorrect remitter's details.
23. The client requests that certain payments be routed through nostro accounts held by the person subject to due diligence or sundry accounts instead of the client's own accounts.
24. Request by the client to accept or record in the accounts loan collateral which is inconsistent with economic reality, or grant fiduciary loans for which notional collateral is recorded in the accounts.
25. Indications of judicially punishable acts by the client in Liechtenstein or abroad.

### **III. Specific indicators**

#### **A. Cash transactions**

1. The exchange of a larger amount of small-denomination banknotes (foreign and domestic) for large-denomination banknotes.
2. The exchange of significant amounts of money without crediting a client account.
3. Cashing cheques for large sums, including traveller's cheques.
4. The purchase or sale of large amounts of precious metals by occasional clients.
5. The purchase of bank cheques for large amounts by occasional clients.

6. Instructions to make a transfer abroad by occasional clients, without apparent legitimate reason.
7. The execution of multiple cash transactions just below the thresholds.
8. The acquisition of bearer instruments by means of physical delivery.

**B. Bank accounts and custody accounts**

1. Frequent withdrawals of large amounts of cash which cannot be explained by reason of the client's business or private activity.
2. Use of loan facilities that, while normal in international trade, is inconsistent with the known activity of the client.
3. The structure of the client's business relationships with the bank lacks an economic rationale (large number of accounts at the same institution, frequent transfers between accounts, excessive liquidity, etc.).
4. Granting of security by third parties who have no obvious close affiliation to the client.
5. The client attempts to make transfers to another bank without supplying complete details of the remitter or beneficiary.
6. Accepting transfers from other banks when the name or account number of the beneficiary or remitter has not been supplied.
7. Repeated transfers of large amounts of money abroad with instructions that the sum be paid to the beneficiary in cash.
8. Granting security for third party loans which have not been agreed on market terms.
9. A large number of different individuals make cash deposits into a single account.
10. Unexpected repayment of a non-performing loan.
11. Use of pseudonym or numbered accounts to carry out commercial transactions for trading, commercial, or industrial concerns.
12. Withdrawal of assets shortly after these have been credited to the account (pass-through account).
13. Opening of accounts using similar names of other companies for the purpose of deception.
14. The client requests to establish several accounts with different master numbers without a plausible reason.
15. The client conspicuously pushes for immediate execution of an unusual transaction.

**C. Fiduciary transactions**

1. Fiduciary loans (back-to-back loans) for which there is no obvious legal purpose.
2. The holding of shares in unlisted operating companies in a fiduciary capacity, where the person subject to due diligence is not given knowledge of the business conducted by such companies.
3. Individual signatory powers apart from the person subject to due diligence within the company structure or on company accounts.
4. Cost minimization using complicated structures, the expenses for which compensate the supposed benefit.
5. Fiduciary real estate transactions evidently lower or higher than the market value of the real property.

**D. Insurance transactions**

1. A business relationship is to be established with legal entities of which no specific person is the beneficial owner.
2. The contracting party requests an individual guarantee bond in addition to the insurance policy.
3. The policyholder asks about unusual payment options (cash payment, payment to account abroad) that cannot be explained by the policyholder's circumstances (e.g. relocation of residence abroad).
4. Granting of power of attorney without a plausible reason to a person whose relationship with the contracting party is not sufficiently close.
5. Instructions to pay the insurance sum to the beneficiary in cash.
6. Conclusion of several contracts within a short period of time without a plausible reason.
7. The client pushes for especially fast conclusion of a contract with high amounts.
8. Already in advance, the client asks about options for cash payment of the premium of an insurance contract or the possibility of paying insurance contributions via foreign accounts.
9. Non-plausible interest of the policyholder in the option of a premature cancellation or payout.
10. Change of payment methods provided.
11. Overpayment of premiums, followed by an application for repayment to third parties or abroad.
12. Use of numerous sources for paying premiums.
13. Significant increase of premiums for a policy.

#### **IV. Indicators of terrorist financing**

1. Persons, companies, or organizations involved in the business transaction are affected by a sanctions ordinance pursuant to the Law on the Enforcement of International Sanctions.
2. Receipt of many amounts from a larger number of persons.
3. Frequent cash withdrawal of small amounts.
4. Transactions involving purported or unknown humanitarian organizations.
5. Frequent change of persons authorized to dispose (contacting parties, beneficial owners, etc.).
6. Frequent change of account authorizations for the benefit of third parties.
7. Frequent change of residence, telephone number or authorized persons, or irregularly high inflows and outflows.
8. Indications of connections to known fundamentalist persons, organizations, or institutions.
9. Indications of support for fundamentalist publications or actions.
10. Instructions by non-profit organizations for transactions that are unusual for their business model and known flow of payment transactions.

**Annex 2**  
(Article 23a)

**Risk countries**

1. Countries which pose ongoing and substantial risks:

- a) Iran
- b) The Democratic People's Republic of Korea

2. Countries which have strategic deficiencies in connection with the combating of money laundering and terrorist financing:

- a) Ethiopia
- b) Ecuador
- c) Indonesia
- d) Yemen
- e) Kenya
- f) Myanmar
- g) Nigeria
- h) Pakistan
- i) São Tomé and Príncipe
- k) Syria
- l) Tanzania
- m) Turkey
- n) Vietnam

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**Law**  
of 14 March 2002  
**on the Financial Intelligence Unit (FIU)**

I hereby grant My consent to the following Resolution adopted by Parliament:

**I. General provisions**

Article 1

*Purpose*

This Act governs the position, competences and responsibilities of the Financial Intelligence Unit (FIU).

Article 2

*Designations*

The designations used in this Act to denote persons and functions include persons of male and female gender alike.

Article 3<sup>1</sup>*Position*

The FIU shall be the central administrative office for obtaining and analysing information necessary to detect money laundering, predicate offences of money laundering, organized crime and terrorist financing.

## Article 4

*Competences*

1) The FIU shall receive reports by persons subject to due diligence pursuant to article 17, paragraph 1 of the Due Diligence Act, approve actions pursuant to article 18, paragraph 2 of the Due Diligence Act, and take measures pursuant to article 5 of this Act.<sup>2</sup>

2) The FIU shall evaluate and analyse the reports.

3) The FIU shall obtain information necessary to detect money laundering, predicate offences of money laundering, organized crime and terrorist financing, subject to legal provisions relating to the protection of secrecy.<sup>3</sup>

4) The FIU shall receive reports pursuant to article 6, paragraph 1 of the Law against Market Abuse in the Trading of Financial Instruments (Market Abuse Act) and forward these to the FMA if there is justified suspicion that a transaction might constitute insider dealing or market manipulation.<sup>4</sup>

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1 Article 3 amended by LGBl. 2009 No. 48.

2 Article 4, paragraph 1 amended by LGBl. 2009 No. 48.

3 Article 4, paragraph 3 amended by LGBl. 2009 No. 48.

4 Article 4, paragraph 4 inserted by LGBl. 2007 No. 21.

## Article 5

*Responsibilities*

- 1) The FIU shall in particular be responsible for the following:
- a) receiving, evaluating and analysing reports in accordance with article 17, paragraph 1 of the Due Diligence Act;<sup>1</sup>
  - b) forwarding a report pursuant to article 17, paragraph 1 of the Due Diligence Act to the Office of the Public Prosecutor, if the analysis conducted by the FIU on the basis of the report substantiates the suspicion of money laundering, predicate offences of money laundering, organized crime or terrorist financing, as well as approving actions of persons subject to due diligence in accordance with article 18, paragraph 2 of the Due Diligence Act;<sup>2</sup>
  - c) obtaining information from publicly available and non-publicly available sources that is necessary to detect money laundering, predicate offences of money laundering, organized crime and terrorist financing;<sup>3</sup>
  - d) cooperating with the National Police for obtaining information necessary to detect money laundering, predicate offences of money laundering, organized crime and terrorist financing;<sup>4</sup>
  - e) establishing and maintaining data processing systems to carry out the responsibilities described in this Act;
  - f) compiling periodic, anonymized situation and strategy reports for the attention of the Government including an evaluation of the threats posed by money laundering, predicate offences of money laundering, organized crime and terrorist financing;<sup>5</sup>
  - g) compiling analysis reports for the attention of the Office of the Public Prosecutor to substantiate suspicions in cases of money laundering, predicate offences of money laundering, organized crime and terrorist financing;<sup>6</sup>

1 Article 5, paragraph 1 (a) amended by LGBl. 2009 No. 48.

2 Article 5, paragraph 1 (b) amended by LGBl. 2009 No. 48.

3 Article 5, paragraph 1 (c) amended by LGBl. 2009 No. 48.

4 Article 5, paragraph 1 (d) amended by LGBl. 2009 No. 48.

5 Article 5, paragraph 1 (f) amended by LGBl. 2009 No. 48.

6 Article 5, paragraph 1 (g) amended by LGBl. 2009 No. 48.



- h) receiving, evaluating and analysing reports pursuant to article 6, paragraph 1 of the Market Abuse Act and forwarding such reports to the FMA if there is justified suspicion that a transaction might constitute insider dealing or market manipulation.<sup>1</sup>
- i) compiling statistics in connection with money laundering, predicate offences of money laundering, organized crime and terrorist financing. Article 14, paragraph 3 of the Statistics Act shall not apply to the FIU.<sup>2</sup>
- 2) The FIU may be represented in national and international working groups. Membership in international working groups shall require approval by the Government.

## II. Administrative assistance

### Article 6<sup>3</sup>

#### *Cooperation with domestic authorities*

The FIU shall, to the extent this does not interfere with fulfilment of its responsibilities, exchange information and records necessary to combat money laundering, predicate offences of money laundering, organized crime and terrorist financing with other domestic authorities, especially the courts, the Office of the Public Prosecutor, the National Police and the FMA. In particular, it may request the domestic authorities to transmit such information.

### Article 7

#### *Cooperation with foreign authorities*

- 1) In order to fulfil its responsibilities, the FIU may request foreign FIUs to provide information or transmit records if required for the purpose of this Act.
- 2) The provision of official, non-publicly available information by the FIU to foreign FIUs shall be permissible if:

<sup>1</sup> Article 5, paragraph 1 (h) inserted by LGBl. 2007 No. 21.

<sup>2</sup> Article 5, paragraph 1 (i) inserted by LGBl. 2009 No. 48.

<sup>3</sup> Article 6 amended by LGBl. 2009 No. 48.

- a) this does not violate the public order, other essential national interests, matters subject to secrecy or fiscal interests;
- b) the information is in accordance with the purposes of this Act;
- c) it is guaranteed that the requesting FIU would grant a similar request from Liechtenstein;
- d) it is guaranteed that the information to be exchanged will be used only to combat money laundering, predicate offences of money laundering, organized crime and terrorist financing;<sup>1</sup>
- e) it is guaranteed that any information exchanged will be forwarded only after consultation with the FIU;
- f) the requesting FIU is subject to official and professional secrecy; and
- g) the Law on International Mutual Legal Assistance in Criminal Matters does not apply.

3) The Director of the FIU may for this purpose, and after consultation with the Minister of Finance, conclude a memorandum of understanding with other FIUs, subject to approval by the Government.

### III. Data protection

#### Article 8

##### *Basic principle*

1) The FIU may collect, record and process the information necessary to fulfil its responsibilities.

2) By means of an ordinance, the Government shall issue the relevant implementing provisions, especially regarding automated data collection as well as the correction and deletion of personal data.

#### Article 9

##### *Retrieval procedure (online connection)*

1) On request, the national authorities shall provide the FIU with the information necessary to fulfil its responsibilities. In order to fulfil its responsibilities, the FIU is entitled to access certain registers of the administrative offices of the National Public Administration by means of an

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<sup>1</sup> Article 7, paragraph 2 (d) amended by LGBl. 2009 No. 48.

online retrieval procedure. Once the relevant administrative office has given its consent, the FIU may access the record concerned.

2) The Government shall specify by ordinance which registers the FIU may access.

#### Article 10

##### *Right to information*

1) Upon application and in accordance with the Public Information Act, the FIU shall release information to affected parties regarding data stored about their person, to the extent no predominating public or private interests oppose the release of such information.

2) The obligation to release information shall not extend to the origin of the data and the recipients of transmissions.

#### Article 11

##### *Opposing interests*

In particular, information shall not be released pursuant to article 10 to the extent that:

- a) it must be assumed that fulfilment of the FIU's responsibilities would be jeopardized by release of the information;
- b) information sources might be jeopardized by release of the information or it must be feared that the extent of the FIU's knowledge or its working methods might be discovered;
- c) the information would endanger public security or otherwise harm the welfare of the country; or
- d) the data must be kept secret due to the predominating justified interests of a third party.

#### IV. Final clauses

##### Article 12

###### *Implementing ordinances*

The Government shall issue the ordinances necessary to implement this Act, in particular with regard to:

- a) automated data collection as well as the correction and deletion of personal data (article 8, paragraph 2);
- b) the retrieval procedure (article 9, paragraph 2).

##### Article 13

###### *Repeal of existing law*

The Ordinance of 22 February 2001 on the Financial Intelligence Unit (FIU Ordinance), LGBl. 2001 No. 43, is hereby repealed.

##### Article 14

###### *Entry into force*

This Act shall enter into force on the day of its promulgation.

signed *Hans-Adam*

signed *Otmar Hasler*  
Prime Minister

**Law**  
of 18 June 2004  
**on the Financial Market Authority**  
**(Financial Market Authority Act; FMA Act)**

I hereby grant My consent to the following resolution adopted by Parliament:

**I. General Provisions**

Article 1

*Object, designations and applicable law*<sup>1</sup>

- 1) The purpose of this Act is to establish a financial market supervisory authority and to govern, in particular, its organization, responsibilities, and powers.
- 2) The designations used in this Act to denote persons and functions include members of female and male gender alike.
- 3) Unless otherwise provided by this Act, the Law on the Control and Oversight of Public Enterprises shall apply on a supplementary basis.<sup>2</sup>

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<sup>1</sup> Article 1 heading amended by LGBl. 2009 No. 362.

<sup>2</sup> Article 1, paragraph 3 inserted by LGBl. 2009 No. 362.

## Article 2<sup>1</sup>

### *Legal form, domicile, and endowment*

- 1) In order to carry out the supervision of the financial market, an independent establishment under public law with separate legal personality exists with the designation "Financial Market Authority (FMA)". The domicile of the establishment shall be set out in the Statute.
- 2) The endowment is CHF 2,000,000.

## Article 3

### *Independence*

The FMA shall be independent in the exercise of its activities and shall not be bound by any instructions.

## Article 4

### *Objectives of the Financial Market Authority*

The FMA shall safeguard the stability of the Liechtenstein financial market, the protection of clients, the prevention of abuses, as well as the implementation of and compliance with recognized international standards.

## **II. Scope of activities**

## Article 5

### *Responsibilities*

- 1) To the extent not otherwise determined by law, the FMA shall be responsible for the supervision and execution of this Act and of the following laws, along with the corresponding implementing ordinances:
  - a) Law on Banks and Investment Firms (Banking Act);<sup>2</sup>

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<sup>1</sup> Article 2 amended by LGBI. 2009 No. 362.

<sup>2</sup> Article 5, paragraph 1(a) amended by LGBI. 2007 No. 273.

- b) E-Money Act;<sup>1</sup>
- c) Law on the Liechtensteinische Landesbank;
- d) Payment Services Act (PSA);<sup>2</sup>
- e) Law on Settlement Finality in Payment and Securities Settlement Systems (Settlement Finality Act);
- f) Law on the Disclosure of Information concerning the Issuers of Securities (Disclosure Act);<sup>3</sup>
- g) Securities Prospectus Act;<sup>4</sup>
- h) Law on Investment Undertakings for Other Values or Real Estate (Investment Undertakings Act; IUA);<sup>5</sup>
- i) Law on the Liechtenstein Postal Service (Postal Act);
- k) Law on Lawyers;
- l) Law on Professional Trustees;
- m) Law on Auditors and Auditing Companies;
- n) Law on Patent Lawyers;
- o) Law on the Supervision of Insurance Undertakings (Insurance Supervision Act);
- p) Law on Professional Due Diligence to Combat Money Laundering, Organized Crime, and Terrorist Financing (Due Diligence Act; DDA);<sup>6</sup>
- q) Law on Occupational Pensions;
- r) Law on the Insurance Protection of Buildings against Fire and Natural Hazards (Building Insurance Act);<sup>7</sup>
- s) Law on Asset Management (Asset Management Act; AMA);<sup>8</sup>
- t) Law on Insurance Mediation (Insurance Mediation Act; IMA);<sup>9</sup>

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<sup>1</sup> Article 5, paragraph 1(b) amended by LGBl. 2011 No. 155.

<sup>2</sup> Article 5, paragraph 1(d) amended by LGBl. 2009 No. 273.

<sup>3</sup> Article 5, paragraph 1(f) amended by LGBl. 2008 No. 360.

<sup>4</sup> Article 5, paragraph 1(g) amended by LGBl. 2007 No. 197.

<sup>5</sup> Article 5, paragraph 1(h) amended by LGBl. 2011 No. 306.

<sup>6</sup> Article 5, paragraph 1(p) amended by LGBl. 2009 No. 50.

<sup>7</sup> Article 5, paragraph 1(r) inserted by LGBl. 2005 No. 1.

<sup>8</sup> Article 5, paragraph 1(s) inserted by LGBl. 2005 No. 280.

<sup>9</sup> Article 5, paragraph 1(t) inserted by LGBl. 2006 No. 127.

- u) Law on the Supervision of Institutions for Occupational Retirement Provision (Pension Funds Act; PFA);<sup>1</sup>
  - v) Law against Market Abuse in the Trading of Financial Instruments (Market Abuse Act; MAA);<sup>2</sup>
  - w) Law on Takeover Bids (Takeover Act);<sup>3</sup>
  - x) Law on the Supplementary Supervision of Undertakings in a Financial Conglomerate (Financial Conglomerates Act; FCA);<sup>4</sup>
  - y) Law on Pension Insurance for State Employees (Pension Insurance Act; PIA);<sup>5</sup>
  - z) Law on Certain Undertakings for Collective Investment in Transferable Securities (UCITS Act).<sup>6</sup>
- 2) In addition, the FMA shall carry out all responsibilities that serve the supervision of the financial market, such as in particular the strengthening of international cooperation and the suggestion and preparation of necessary legislation.
- 3) The Government may mandate the FMA to represent the interests of Liechtenstein in international bodies with respect to the responsibilities enumerated in paragraphs 1 and 2.
- 4) At least once a year, the FMA shall inform the public about its supervisory activities and practice.

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<sup>1</sup> Article 5, paragraph 1(u) inserted by LGBl. 2007 No. 12.

<sup>2</sup> Article 5, paragraph 1(v) inserted by LGBl. 2007 No. 20.

<sup>3</sup> Article 5, paragraph 1(w) inserted by LGBl. 2007 No. 234.

<sup>4</sup> Article 5, paragraph 1(x) inserted by LGBl. 2007 No. 277.

<sup>5</sup> Article 5, paragraph 1(y) inserted by LGBl. 2008 No. 372.

<sup>6</sup> Article 5, paragraph 1(z) inserted by LGBl. 2011 No. 306.



### **III. Organization**

#### **A. General Provisions**

##### Article 6

##### *Organs<sup>1</sup>*

- 1) The organs of the FMA shall be:
  - a) the Board of Directors;
  - b) the Executive Board;
  - c) the Auditing Office.
- 2) Repealed<sup>2</sup>

#### **B. Board of Directors**

##### **1. General Provisions**

##### Article 7

##### *Composition, requirements, and incompatibilities<sup>3</sup>*

- 1) The Board of Directors of the FMA shall be composed of three to five members.<sup>4</sup>
- 2) To the extent possible, the following specialized competences shall be represented on the Board of Directors:<sup>5</sup>
  - a) banking, including asset management;<sup>6</sup>
  - b) insurance, including pensions;<sup>7</sup>
  - c) fiduciary services, law, or auditing;<sup>8</sup>

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<sup>1</sup> Article 6 heading amended by LGBI. 2009 No. 362.

<sup>2</sup> Article 6, paragraph 2 repealed by LGBI. 2009 No. 362.

<sup>3</sup> Article 7 heading amended by LGBI. 2009 No. 362.

<sup>4</sup> Article 7, paragraph 1 amended by LGBI. 2009 No. 362.

<sup>5</sup> Article 7, paragraph 2, introductory sentence amended by LGBI. 2009 No. 362.

<sup>6</sup> Article 7, paragraph 2(a) amended by LGBI. 2009 No. 362.

<sup>7</sup> Article 7, paragraph 2(b) amended by LGBI. 2009 No. 362.

<sup>8</sup> Article 7, paragraph 2(c) amended by LGBI. 2009 No. 362

- d) securities trading, including undertakings for collective investment in transferable securities in accordance with the Law on Certain Undertakings for Collective Investment in Transferable Securities and investment undertakings in accordance with the Law on Investment Undertakings for Other Values or Real Estate.<sup>1</sup>
- 3) In addition to the requirements under paragraph 2, the members of the Board of Directors must possess an impeccable reputation, a high level of expertise, and sufficient practical experience.<sup>2</sup>
- 4) The Government shall prepare a detailed profile of the professional and personal requirements for:
  - a) the Board of Directors as a body;
  - b) every member of the Board of Directors;
  - c) the Chairman in particular.<sup>3</sup>
- 5) The Chairman, the Vice Chairman, and at least one other member of the Board of Directors may not hold any position for any supervised natural or legal person. Such positions include in particular:
  - a) members of the board of directors or management;
  - b) employees;
  - c) owners of a qualified interest. Qualified interest is the direct or indirect holding of at least 10% of the capital or of the votes of an enterprise, or any other possibility of exerting significant influence on the management of an enterprise with respect to which the interest is held.<sup>4</sup>

## Article 8<sup>5</sup>

### *Term of office*

The term of office for members of the Board of Directors shall be five years. One-time re-election shall be permissible. In the case of the Chairman, re-election for an extraordinary term of two years shall be permissible in justified cases upon expiry of two terms of office.

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<sup>1</sup> Article 7, paragraph 2(d) amended by LGBI. 2011 No. 306.

<sup>2</sup> Article 7, paragraph 3 amended by LGBI. 2009 No. 362.

<sup>3</sup> Article 7, paragraph 4 amended by LGBI. 2009 No. 362.

<sup>4</sup> Article 7, paragraph 5 amended by LGBI. 2009 No. 362.

<sup>5</sup> Article 8 amended by LGBI. 2009 No. 362.

Articles 9 to 11<sup>1</sup>

Repealed

## **2. Responsibilities**

Article 12

*Responsibilities*

- 1) The Board of Directors shall have the following irrevocable and non-delegable responsibilities:
  - a) ultimate leadership of the Financial Market Authority;
  - b) enactment and amendment of the Statute;
  - c) determination of the organizational structure;
  - d) financial planning and financial control, to the extent necessary for the management of the enterprise;
  - e) election, supervision, and dismissal of members of the Executive Board;
  - f) implementation of the owner's strategy adopted by the Government;
  - g) preparation of the annual budget, the annual report, and the annual financial statement;
  - h) advising of the Government on issues relating to financial market strategy;
  - i) enactment of guidelines and recommendations as referred to in article 25.<sup>2</sup>
- 2) Repealed<sup>3</sup>
- 3) After hearings with the professional associations and in collaboration with the Executive Board, the Board of Directors shall determine the strategy of supervision.

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<sup>1</sup> Articles 9 to 11 repealed by LGBI. 2009 No. 362.

<sup>2</sup> Article 12, paragraph 1 amended by LGBI. 2009 No. 362.

<sup>3</sup> Article 12, paragraph 2 repealed by LGBI. 2009 No. 362.

### **3. Reimbursement**

#### Article 13

##### *Reimbursement*

The members of the Board of Directors shall be reimbursed appropriately for their activities out of FMA funds. The amount of the reimbursement shall be determined by the Government.

## **C. Executive Board**

### **1. General Provisions**

#### Article 14<sup>1</sup>

##### *Election and incompatibilities*

1) The members of the Executive Board shall be elected by the Board of Directors after a public search.

2) With respect to incompatibility, article 7, paragraph 5 shall apply *mutatis mutandis* to the members of the Executive Board.

#### Article 15<sup>2</sup>

##### *Requirements*

Only persons possessing an impeccable reputation, a high level of expertise, and sufficient practical experience may be appointed as a member of the Executive Board.

#### Art. 16<sup>3</sup>

Repealed

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<sup>1</sup> Article 14 amended by LGBI. 2009 No. 362.

<sup>2</sup> Article 15 amended by LGBI. 2009 No. 362.

<sup>3</sup> Article 16 repealed by LGBI. 2009 No. 362.

## **2. Responsibilities and powers<sup>1</sup>**

### Article 17<sup>2</sup>

#### *Principle*

The Executive Board shall be responsible for the operational management of the FMA. Composition, responsibilities, and powers of the Executive Board shall be determined in the Statute and the Organizational Regulation.

### Article 18<sup>3</sup>

#### Repealed

## **D. Auditing Office**

### Article 19<sup>4</sup>

#### *Election and responsibilities*

1) The Government shall elect a recognized auditing company as referred to in the Law on Auditors and Auditing Companies to serve as the Auditing Office.

2) The responsibilities of the Auditing Office shall be governed in principle by the relevant provisions of the Law on Persons and Companies.

3) The Statute may delegate further responsibilities to the Auditing Office, provided that the independence of the Auditing Office is not adversely affected.

4) Deviating from paragraphs 1 to 3, the Government may delegate the function of Auditing Office to the National Audit Office. In this case, the responsibilities of the Auditing Office shall in principle be governed by the specific legal provisions on the National Audit Office.

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<sup>1</sup> Title preceding article 17 amended by LGBI. 2009 No. 362.

<sup>2</sup> Article 17 amended by LGBI. 2009 No. 362.

<sup>3</sup> Article 18 repealed by LGBI. 2009 No. 362.

<sup>4</sup> Article 19 amended by LGBI. 2009 No. 362.

Article 20<sup>1</sup>

Repealed

## **E. Miscellaneous Provisions**

Article 21<sup>2</sup>

Repealed

Article 22

*Occupational pensions*

The FMA shall be included in the pension insurance for State employees.

Article 23<sup>3</sup>

Repealed

Article 24<sup>4</sup>

Repealed

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<sup>1</sup> Article 20 repealed by LGBI. 2009 No. 362.

<sup>2</sup> Article 21 amended by LGBI. 2009 No. 362.

<sup>3</sup> Article 23 repealed by LGBI. 2009 No. 362.

<sup>4</sup> Article 24 repealed by LGBI. 2009 No. 362.

## IV. Supervisory Instruments

### Article 25

#### *Decrees, guidelines, and recommendations*

- 1) The FMA may issue decrees, guidelines, and recommendations.
- 2) It may enforce decrees itself. Legally binding decisions of the FMA, in particular decrees on supervisory taxes and fees, shall be considered enforceable instruments as defined in the Enforcement Procedure Act.

### Article 26<sup>1</sup>

#### *Procedure for ascertaining facts*

- 1) If there is justified suspicion that provisions of an enactment referred to in article 5, paragraph 1 have been violated, or if circumstances exist that make the reputation of the Liechtenstein financial centre appear to be at risk, then the FMA may initiate a procedure for ascertaining the facts.
- 2) The FMA may demand information and records from persons carrying out an activity within the meaning of an enactment referred to in article 5, paragraph 1 without the required licence or registration, as if the persons were supervised persons.
- 3) If the FMA mandates auditors, auditing companies, or audit offices subject to special legislation to carry out a procedure, they shall submit an estimated budget to the FMA for approval prior to commencement of the procedure. The costs of the mandated third parties shall be based on the applicable fee schedule customary for the sector and must be proportionate to the purpose of the investigation.
- 4) In the context of a procedure as referred to in paragraph 1, the FMA may gather information and records itself or may have them gathered by auditors, auditing companies, or audit offices subject to special legislation.
- 5) If the procedure determines a violation of supervisory provisions, the costs of the procedure shall be imposed on the inspected persons. In all other cases, the State shall bear the costs.

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<sup>1</sup> Article 26 amended by LGBI. 2011 No. 44.

## Article 27

### *Notification obligation of authorities*

In criminal proceedings relating to the laws enumerated in article 5, paragraph 1, the Office of the Public Prosecutor shall notify the FMA of the initiation and discontinuation of such proceedings; the courts shall transmit copies of final judgments.

## **IVa. Cooperation with Foreign Authorities in the Field of Securities Supervision<sup>1</sup>**

### Article 27a<sup>2</sup>

#### *Basic principle*

1) The FMA shall grant a competent foreign authority administrative assistance or may itself request administrative assistance from a competent authority to the extent necessary to enforce securities supervision, especially in regard to compliance with the requirements concerning:

- a) insider dealing, market manipulation, false presentation of essential information, investment fraud, securities fraud, other fraudulent or manipulative practices relating to the financial market, including practices relating to offers and the treatment of investor assets and client orders in the field of securities;
- b) registration, issuing, trading, advice, management, administration, safekeeping and publication of investments in securities and other financial instruments;
- c) takeover offers or the acquisition of influence on financial intermediaries;
- d) publicity and notification requirements of the issuers and suppliers of securities and other financial instruments;
- e) supervision of financial markets, including exchanges, clearing and settlement institutions as well as OTC transactions in securities and other financial instruments admitted for trade on a supervised market;

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<sup>1</sup> Title preceding article 27a inserted by LGBI. 2010 No. 464.

<sup>2</sup> Article 27a inserted by LGBI. 2010 No. 464.



- f) measures to combat money laundering, organized crime, and terrorist financing, provided a connection with securities supervision exists;
- g) the activity of financial intermediaries, provided a connection with securities supervision exists.

2) Administrative assistance within the meaning of paragraph 1 encompasses cooperation and information exchange with the competent foreign authorities.

3) The provisions of this Chapter shall take precedence over other legal requirements concerning administrative assistance with foreign authorities in the field of securities supervision.

#### Article 27b<sup>1</sup>

##### *Competence of the requesting foreign authority*

The requesting foreign authority must be competent to do the following in accordance with the national legislation applicable to it:

- a) to carry out securities supervision; in particular, it must be entrusted with responsibilities corresponding to the areas referred to in article 27a, paragraph 1; and
- b) to submit requests for administrative assistance to the FMA.

#### Article 27c<sup>2</sup>

##### *Form and content of the request*

1) Requests must be made to the FMA in writing.

2) In urgent cases, a request may be made orally, by e-mail, or by fax. Unless waived by the FMA, a written request meeting the requirements set out in paragraph 3 must be submitted subsequently.

3) The request must contain the following information:

- a) designation of the requesting foreign authority;
- b) description of the relevant fact pattern;
- c) specific designation of the information requested;

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<sup>1</sup> Article 27b inserted by LGBI. 2010 No. 464.

<sup>2</sup> Article 27c inserted by LGBI. 2010 No. 464.

- d) the reason for the request;
- e) the legal provisions violated in the State of the requesting foreign authority.

4) Requests may be made in any language. The foreign authority must include a translation in German or English.

#### Article 27d<sup>1</sup>

##### *Necessity of the request*

The FMA shall provide administrative assistance to the requesting foreign authority only if the requested information is demonstrably necessary for the requesting foreign authority to exercise securities supervision.

#### Article 27e<sup>2</sup>

##### *Exclusivity of forwarding of information*

1) Information may be forwarded by the requesting foreign authority only after prior written consent by the FMA.

2) Paragraph 1 shall apply *mutatis mutandis* to forwarding by the FMA of information obtained by way of administrative assistance.

3) If the requesting authority violates the requirement of exclusivity, the FMA shall grant no further requests by that authority until that authority has shown that measures have been seized to prevent such forwarding in future.

#### Article 27f<sup>3</sup>

##### *Grounds for refusal*

1) The FMA shall refuse a request by a competent foreign authority if the conditions set out in articles 27a to 27e are not met. It may refuse a request of the competent foreign authority if:

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<sup>1</sup> Article 27d inserted by LGBI. 2010 No. 464.

<sup>2</sup> Article 27e inserted by LGBI. 2010 No. 464.

<sup>3</sup> Article 27f inserted by LGBI. 2010 No. 464.

- a) the sovereignty, security, or public order of Liechtenstein might be adversely affected;
- b) proceedings before a Liechtenstein criminal court are already pending against the person concerned on the basis of the same fact pattern;
- c) a Liechtenstein criminal court has already pronounced a final judgment against the person concerned on the basis of the same fact pattern.

2) If the FMA refuses a request in virtue of paragraph 1, it shall notify the requesting foreign authority without delay and present the reasons. In the case of refusal pursuant to paragraph 1(b) or (c), precise information regarding the court proceedings or the final judgment shall be transmitted.

#### Article 27g<sup>1</sup>

##### *Judicial review of the request*

1) If, while reviewing the request, the FMA determines that no ground for refusal as set out in article 27f exists, it shall without delay forward the request to the competent judge of the Administrative Court and apply for approval of execution of administrative assistance.

2) The competent judge of the Administrative Court shall review whether the requirements for the request as set out in articles 27a to 27e are met and no ground for refusal pursuant to article 27f, paragraph 1(b) and (c) exists and shall decide as an individual judge on the application by the FMA within five business days. No separate decree shall be issued regarding approval of execution of administrative assistance.

#### Article 27h<sup>2</sup>

##### *Obtaining information*

1) If the competent judge of the Administrative Court approves execution of administrative assistance, then the FMA shall be authorized to obtain the requested information from the person who has the information (holder of the information).

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<sup>1</sup> Article 27g inserted by LGBl. 2010 No. 464.

<sup>2</sup> Article 27h inserted by LGBl. 2010 No. 464.

2) The holder of the information shall be notified by the FMA in writing of:

- a) the judicial approval of execution of administrative assistance;
- b) the name and address of the requesting foreign authority;
- c) the information requested;
- d) a summary of the fact pattern giving rise to the request;
- e) the legal provisions which, in the view of the requesting authority, may have been violated;
- f) the prohibition of disclosure according to paragraph 4.

3) The person affected by the request and the holder of the information shall have no right to inspect the documents until the final decree has been issued pursuant to article 27k, paragraphs 1 and 2 or until notification pursuant to article 27i, paragraph 3.

4) If the holder of the information is not the person affected by the request of the competent foreign authority, then the holder of the information shall be prohibited from informing the person affected or third parties of the request. This prohibition of disclosure shall apply until it has been lifted by the FMA; the holder of the information shall be informed thereof by the FMA.

5) The holder of the information shall be given ten days from receipt of the notification pursuant to paragraph 2 to hand over the requested information. In especially complex cases, the FMA may extend the time period by up to 30 days.

6) If a holder of the information refuses to hand over information, the FMA shall issue an enforcement decree as a measure of organization of procedure; it shall be enforceable immediately. The FMA may apply immediate administrative coercion in accordance with articles 131ff of the National Public Administration Act.

7) The enforcement decree shall contain the information referred to in article 27h, paragraph 2.

8) The enforcement decree and measures of immediate administrative coercion may be appealed only in accordance with article 27k, paragraph 2.

## Article 27i<sup>1</sup>

### *Transmission of information and final decree*

1) The FMA shall sight the information obtained in accordance with article 27h and shall transmit the relevant information to the competent authority. The FMA shall issue a final decree for this purpose.

2) After consultation with the requesting foreign authority, but at the latest two years after receipt of the request, the FMA shall serve the final decree on the person concerned; the final decree shall in particular contain the following:

- a) the name and address of the requesting authority;
- b) specification of the requested and transmitted information;
- c) a summary of the relevant fact pattern giving rise to the request;
- d) specification of the legal provisions which, in the view of the requesting authority, may have been violated;
- e) notification that execution of administrative assistance was judicially approved;
- f) specification of enforcement decrees and measures of immediate administrative coercion imposed by the FMA.

3) At the same time as the final decree is served on the person concerned, the FMA shall inform the holder of the information of:

- a) lifting of the prohibition of disclosure pursuant to article 27h, paragraph 4; and
- b) the possibility of appealing enforcement decrees and measures of immediate administrative coercion pursuant to article 27h, paragraph 8.

## Article 27k<sup>2</sup>

### *Subsequent appeal*

1) The person concerned may appeal the final decree of the FMA to the FMA Complaints Commission within 14 days of service.

2) The holder of the information may appeal the enforcement decree or measures of immediate administrative coercion imposed by the FMA to the FMA Complaints Commission within 14 days of provision of the information referred to in article 27i, paragraph 3(b).

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<sup>1</sup> Article 27i inserted by LGBl. 2010 No. 464.

<sup>2</sup> Article 27k inserted by LGBl. 2010 No. 464.

## Article 27<sup>1</sup>

### *Violation of the prohibition of disclosure*

Anyone who wilfully violates the prohibition of disclosure as required by article 27h, paragraph 4 shall be punished for a misdemeanour with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates by the Court of Justice.

## **V. Funding; Tax and Fee Exemption**

### Article 28

#### *Basic principle*

The FMA shall be funded by a contribution of the State, the supervisory taxes and fees, and proceeds from services rendered.

### Article 29

#### *State contribution*

- 1) The State shall make an annual contribution to the FMA in an amount not exceeding:
  - a) CHF 10.7 million for the year 2010;
  - b) CHF 10 million for the year 2011;
  - c) CHF 9 million for the year 2012;
  - d) CHF 8 million from the year 2013.<sup>2</sup>
- 2) The FMA may take out loans from the State with a term of up to 12 months.

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<sup>1</sup> Article 27l inserted by LGBl. 2010 No. 464.

<sup>2</sup> Article 29, paragraph 1 amended by LGBl. 2009 No. 362.

## Article 30<sup>1</sup>

### *Fees*

- 1) The FMA shall levy fees for supervisory procedures in individual cases and for services. The individual fee rates are set out in the Annex.
- 2) The following shall be subject to a fee:
  - a) anyone triggering a decree;
  - b) anyone triggering a supervisory procedure that does not end with a decree or that is suspended;
  - c) anyone making use of an FMA service.
- 3) For decrees, supervisory procedures, and services characterized by an extraordinary scope or special difficulties, the fee may be calculated according to time spent instead of in accordance with the fee rates set out in the Annex.
- 4) The hourly rate for the fee shall be between 100 and 400 francs, depending on the function level of the involved person within the FMA and the importance of the matter for the person subject to the fee.
- 5) The FMA may impose a surcharge of up to 50% of the regular fee for decrees, supervisory procedures, and services that it issues, carries out, or renders urgently or outside normal working hours upon request.
- 6) The FMA may charge other costs, especially for the consultation of experts, the preparation of opinions, and the provision of legal advice as well as travel costs.
- 7) By ordinance, the Government shall provide further details concerning the levy of fees.

## Article 30a

### *Supervisory taxes*<sup>2</sup>

- 1) Each year and for every supervisory division, the FMA shall levy from the natural and legal persons subject to its supervision (supervised persons) a supervisory tax for the costs of the

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<sup>1</sup> Article 30 amended by LGBI. 2011 No. 44.

<sup>2</sup> Article 30a heading inserted by LGBI. 2011 No. 44.

FMA that are not covered by the State contribution and the fees. The supervisory tax shall not exceed 10 million francs.<sup>1</sup>

2) The supervisory divisions are:

- a) Banking;
- b) Securities;
- c) Insurance and Pension Funds;
- d) Other Financial Intermediaries.<sup>2</sup>

3) The FMA shall attribute the total costs – consisting of the costs arising directly from its supervisory activity in the individual supervisory divisions (direct costs) and the costs that cannot be attributed directly to a supervisory division (overhead costs) – to the individual supervisory divisions to the extent possible. The FMA shall divide up the overhead costs and the envisaged reserves among the supervisory divisions in proportion to the directly attributed costs.<sup>3</sup>

4) The costs attributed to a supervisory division shall first be covered by the State contribution as well as by fees collected and other income and the fixed basic taxes generated by each supervisory division. The costs determined in this way shall be divided up among the individual financial intermediary categories of a supervisory division in accordance with a suitable distribution key.<sup>4</sup>

5) The supervisory tax shall be composed of a fixed basic tax and a variable surtax. The basic tax shall cover the basic expenses of the FMA. The variable surtax shall cover the costs not covered by the basic tax.<sup>5</sup>

6) The following criteria shall apply to the calculation of the variable supervisory tax:<sup>6</sup>

- a) for persons supervised under the Banking Act, the E-Money Act, and the Payment Services Act, the balance sheet total and the turnover in securities;<sup>7</sup>

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<sup>1</sup> Article 30a, paragraph 1 inserted by LGBl. 2011 No. 44.

<sup>2</sup> Article 30a, paragraph 2 inserted by LGBl. 2011 No. 44.

<sup>3</sup> Article 30a, paragraph 3 inserted by LGBl. 2011 No. 44.

<sup>4</sup> Article 30a, paragraph 4 inserted by LGBl. 2011 No. 44.

<sup>5</sup> Article 30a, paragraph 5 inserted by LGBl. 2011 No. 44.

<sup>6</sup> Article 30a, paragraph 6, introductory sentence inserted by LGBl. 2011 No. 44.

<sup>7</sup> Article 30a, paragraph 6(a) inserted by LGBl. 2011 No. 44.



- b) for persons supervised under the Asset Management Act, the amount of assets under management, gross income, and the size of the business;<sup>1</sup>
- c) for persons supervised under the Law on Certain Undertakings for Collective Investment in Transferable Securities and under the Investment Undertakings Act, the amount of assets under management;<sup>2</sup>
- d) for persons supervised under the Insurance Supervision Act, the gross premiums written, the number of employees, the capital investments, and the balance sheet total;<sup>3</sup>
- e) for persons supervised under the Insurance Mediation Act, the number of persons entered in the Insurance Intermediary Register;<sup>4</sup>
- f) for persons supervised under the Law on Occupational Pensions, the balance sheet total;<sup>5</sup>
- g) for persons supervised under the Pension Funds Act, the gross assets;<sup>6</sup>
- h) for persons supervised under the Law on Auditors and Auditing Companies, the fees generated for audits and audits of annual accounts under the Due Diligence Act, the Law on Auditors and Auditing Companies, or the provisions of special legislation.<sup>7</sup>
- i) for other financial intermediaries supervised under the Due Diligence Act, the size of the business.<sup>8</sup>

7) The FMA shall carry out cost accounting to determine the internal and external annual costs of the individual financial intermediary categories. It shall announce the annual supervisory tax for each financial intermediary category for the following year, as soon as the State contribution has been decided by Parliament and the annual budget of the FMA has been approved by the Government. It shall invoice the supervisory tax on the basis of its budget and the previous year's business reports of the supervised persons or on the basis of the data reported by the supervised persons as of 31 December in accordance with paragraph 8.

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<sup>1</sup> Article 30a, paragraph 6(b) inserted by LGBl. 2011 No. 44.

<sup>2</sup> Article 30a, paragraph 6(c) amended by LGBl. 2011 No. 306.

<sup>3</sup> Article 30a, paragraph 6(d) inserted by LGBl. 2011 No. 44.

<sup>4</sup> Article 30a, paragraph 6(e) inserted by LGBl. 2011 No. 44.

<sup>5</sup> Article 30a, paragraph 6(f) inserted by LGBl. 2011 No. 44.

<sup>6</sup> Article 30a, paragraph 6(g) inserted by LGBl. 2011 No. 44.

<sup>7</sup> Article 30a, paragraph 6(h) inserted by LGBl. 2011 No. 44.

<sup>8</sup> Article 30a, paragraph 6(i) inserted by LGBl. 2011 No. 44.

8) By 31 May of the year following the tax year at the latest, the supervised persons referred to in paragraph 6(h) and (i) shall report the data necessary for determining the individual supervisory tax to the FMA.

9) By ordinance, the Government shall provide details concerning the levy of supervisory taxes, especially the distribution key among the supervisory divisions, invoicing, and the use of the annual State contribution.

#### Article 30b<sup>1</sup>

##### *Reserves*

1) Each year, the FMA shall establish reserves for the exercise of its supervisory activity until the total reserve attains or reattains 50% of the average annual budget of the last three years.

2) Each year, at most 5% of the annual budget may be allocated to the reserves.

#### Article 31<sup>2</sup>

##### *Tax and fee exemption*

The FMA shall be exempt from the corporate income tax as well as from all administrative and court fees.

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<sup>1</sup> Article 30b inserted by LGBI. 2011 No. 44.

<sup>2</sup> Article 31 amended by LGBI. 2010 No. 342.

## **VI. Accounting**

### Article 32<sup>1</sup>

#### *Business report*

1) The Government shall bring the FMA's business report (annual financial statement and annual report) to the attention of Parliament.

2) The supplementary provisions for specific company forms set out in the Law on Persons and Companies shall be applicable to the preparation of the business report. For this purpose, the FMA shall apply the provisions for large companies.

### Article 33

#### *Safekeeping obligation*

The FMA shall permanently store records and notes of general or fundamental importance. Other records and notes shall be stored for at least ten years. This period of time shall begin:

- a) in the case of a long-term legal relationship, at the end of the calendar year in which the legal relationship ended;
- b) in other cases, at the end of the calendar year in which the FMA was last active in the matter concerned.

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<sup>1</sup> Article 32 amended by LGB1. 2009 No. 362.

## **Via. Supervision<sup>1</sup>**

### Article 33a<sup>2</sup>

#### *Supervisory authority*

- 1) The FMA shall be subject to the ultimate oversight of the Government.
- 2) The Government shall be responsible for:
  - a) the election of the Chairman and the other members of the Board of Directors;
  - b) approval of the Statute;
  - c) determination of the reimbursement for members of the Board of Directors;
  - d) approval of the annual budget, the annual report, and the annual financial statement as well as discharge of the Board of Directors;
  - e) election of the Auditing Office;
  - f) determination and amendment of the owner's strategy;
  - g) fulfilment of other responsibilities assigned to it.
- 3) The Government shall take note of regulations to be enacted by the Board of Directors pursuant to legal requirements.

## **VII. FMA Complaints Commission**

### Article 34

#### *Composition, incompatibilities, and quorum*

- 1) A Complaints Commission shall be established in accordance with article 78, paragraph 3 of the Constitution.
- 2) The FMA Complaints Commission shall be composed of three members and two alternate members, who shall be elected by Parliament for a term of five years. Parliament shall name the President and the Vice President.

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<sup>1</sup> Title preceding article 33a inserted by LGBI. 2009 No. 362.

<sup>2</sup> Article 33a inserted by LGBI. 2009 No. 362.

- 3) The following persons may not serve on the FMA Complaints Commission:
  - a) Ministers of the Government;
  - b) Members of Parliament;
  - c) officials and employees of the National Public Administration;
  - d) members of the organs of the FMA and its staff;
  - e) natural and legal persons subject to ongoing supervision by the FMA, their employees and the members of their organs.<sup>1</sup>
- 4) The Complaints Commission shall constitute a quorum when three members, including the President or the Vice President, are present.
- 5) The Complaints Commission shall establish its own rules of procedure.
- 6) The members shall be sworn in by the Government.

## **VIII. Legal Remedies and Procedure**

### Article 35

#### *Appeals*

1) Appealable decisions and decrees issued by the FMA may be appealed to the FMA Complaints Commission within 14 days of service.

2) Decisions and decrees issued by the FMA Complaints Commission may be appealed to the Administrative Court within 14 days of service.

### Article 36

#### *Procedure*

To the extent not otherwise determined by this Act and the laws enumerated in article 5, paragraph 1, the National Public Administration Act shall apply.

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<sup>1</sup> Article 34, paragraph 3(e) amended by LGBI. 2005 No. 1.

## **IX. Transitional Provisions and Final Clauses**

### Article 37

#### *Implementing ordinances*

The Government shall enact the ordinances necessary for the implementation of this Act.

### Article 38

#### *Agreements with the National Public Administration*

In order to fulfil its responsibilities, the FMA may conclude agreements with the National Public Administration concerning the use of infrastructure and logistics.

### Article 39

#### *Succession of rights and duties*

The FMA shall be the legal successor of the existing supervisory authorities and shall take over their infrastructure.

### Article 40

#### *Transfer of staff*

Staff currently entrusted with the enforcement of the enactments enumerated in article 5, paragraph 1 shall be transferred to the FMA.

### Article 41

#### *FMA Complaints Commission*

The FMA Complaints Commission shall be responsible for cases in which an appealable decree or decision is issued by the FMA after this Act has entered into force.

Article 42

*Entry into force*

1) Subject to paragraph 2, this Act shall enter into force on 1 January 2005. The FMA shall commence its supervisory and enforcement activities on that date.

2) Article 2, articles 6 to 11, article 12, paragraph 1(c), (d), (e), (g), (h) and paragraph 2(a), (b), (c) and (e), articles 13 to 16, articles 22 to 24, and articles 29, 31, 33, 34 and 37 to 39 shall enter into force on the date of promulgation.

signed, *Hans-Adam*

signed, *Otmar Hasler*

Prime Minister

## **Transitional provisions**

### **952.3 Financial Market Authority Act (FMA Act)**



**Law**  
of 15 December 2010  
**amending the Financial Market Authority**

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**II.**

**Transitional provision**

The Ordinance of 21 December 2004 on the Levy of Supervisory Taxes and Fees pursuant to the Financial Market Authority Act, LGBl. 2004 No. 288<sup>1</sup>, in the version of LGBl. 2008 No. 365, shall apply to the supervisory taxes and fees for supervisory procedures in individual cases and for services to be levied for the year 2010.

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<sup>1</sup> LR 952.312

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**on Foreigners (Foreigners Act)**

**XV. Penal provisions and administrative penalties**

Article 83

*Unlawful presence*

- 1) Anyone who is unlawfully present in Liechtenstein, in particular after expiry of a permit-free stay or a stay subject to a permit, shall be punished by the Court of Justice with imprisonment of up to one year or a monetary penalty of up to 360 daily rates.
- 2) Anyone who commits the offence negligently shall be punished by the Court of Justice with a monetary penalty of up to 360 daily rates.
- 3) In the case of foreigners unlawfully present in the country, prosecution may be waived if they are deported immediately.

## Article 84

*Aiding unlawful entry or unlawful presence*

1) Anyone who makes it possible for a foreigner to enter the country unlawfully or be present in the country unlawfully, or who facilitates or helps prepare such entry or presence, shall be punished by the Court of Justice with imprisonment of up to one year or a monetary penalty of up to 360 daily rates.

2) Anyone who commits the offence negligently shall be punished by the Court of Justice with a monetary penalty of up to 360 daily rates.

3) The penalty shall be imprisonment of up to three years or a monetary penalty of up to 360 daily rates if the perpetrator:

- a) acts with the intent to unlawfully enrich himself or another person; or
- b) acts on behalf of a criminal group.

## Article 85

*Production, use and provision of forged identity papers and the unlawful use or transfer of genuine identity papers*

1) Anyone shall be punished by the Court of Justice with imprisonment of up to one year or a monetary penalty of up to 360 daily rates who:

- a) produces forged identity papers subject to the law governing foreigners, falsifies genuine such papers, or uses or provides them;
- b) uses genuine identity papers to which he is not entitled; or
- c) lets unauthorized persons use genuine identity papers.

2) The penalty shall be imprisonment of up to three years or a monetary penalty of up to 360 daily rates if the perpetrator:

- c) acts with the intent to unlawfully enrich himself or another person; or
- d) acts on behalf of a criminal group.

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**Foundation Law Ordinance (FLO)**

of 24 March 2009

Pursuant to article 552 §§ 21 paragraph 5, 27 paragraph 5, and 29 paragraph 6 of the Law on Persons and Companies (PGR) of 20 January 1926, LGBI. 1926 No. 4<sup>1</sup>, in the version of the Law of 26 June 2008, LGBI. 2008 No. 220, the Government enacts the following Ordinance:

**I. General provisions**

Article 1

*Object*

This Ordinance shall govern:

- a) exercise of the authority to examine by the Foundation Supervisory Authority in accordance with article 552 § 21 PGR;
- b) the preconditions for exemption from the obligation to appoint an audit authority in accordance with article 552 § 27 paragraph 5 PGR;
- c) exercise of supervision in accordance with article 552 § 29 PGR;
- d) the fees and costs for the activity of the Foundation Supervisory Authority.

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<sup>1</sup> LR 216.0

## Article 2

*Designations*

The designations used in this Act to denote persons and professions shall be deemed to include persons of male and female gender alike.

**II. Exercise of the authority to examine**

## Article 3

1) The Foundation Supervisory Authority shall verify at its due discretion the accuracy of the contents of the notifications of formation and amendment and for this purpose shall make use of the controlling body of the foundation as referred to in article 552 § 11 paragraph 2 PGR or a third party authorized by the Foundation Supervisory Authority.

2) The foundation council may make two proposals for the appointment of an authorized third party to the Foundation Supervisory Authority. The Foundation Supervisory Authority shall as a rule mandate the preferentially proposed third party to carry out the audit in accordance with paragraph 1.

3) If the audit indicates that the notification of formation or amendment is inaccurate, duplicates and copies of the records shall be made and handed over to the Foundation Supervisory Authority. The Foundation Supervisory Authority shall, on the basis of these documents, initiate the appropriate measures under article 552 § 21 paragraph 3 PGR and file a complaint with the court pursuant to § 66c Final Part PGR.

### **III. Exemption from the obligation to appoint an audit authority**

#### Article 4

##### *Principle*

1) In the case of common-benefit foundations where article 5 or 6 applies, the Foundation Supervisory Authority may on request dispense with the obligation to appoint an audit authority in accordance with article 552 § 27 paragraph 5 PGR.

2) If a foundation has been exempted from the obligation to appoint an audit authority, the Foundation Supervisory Authority shall as a rule itself exercise the right of inspection.

#### Article 5

##### *Exemption due to minor-value assets and non-public solicitation of assets*

1) On the application of the foundation council, the Foundation Supervisory Authority may exempt a common-benefit foundation from the obligation to appoint an audit authority if:

- a) the foundation assets are less than 750,000 francs; and
- b) the foundation does not publicly solicit donations or other contributions or carry on business run along commercial lines.

2) The Foundation Supervisory Authority shall revoke the exemption if:

- a) the preconditions set out in paragraph 1 are no longer met; or
- b) doing so is necessary for a reliable assessment of the asset situation of the foundation.

## Article 6

*Exemption on other grounds*

1) On the application of the foundation council, the Foundation Supervisory Authority may exempt a common-benefit foundation from the obligation to appoint an audit authority on other grounds where this appears appropriate.

2) A ground for exemption under paragraph 1 exists in particular if the common-benefit foundation:

a) serves Catholic purposes and ongoing supervision of the management and appropriation of the foundation assets in accordance with the purpose of the foundation is exercised by the National Church. In its application for exemption from the audit authority obligation, the foundation must demonstrate that the foundation:

1. is designated an ecclesiastical foundation according to the intention of the founder;
2. is subject to ecclesiastical supervision according to the foundation deed; and
3. is accepted by the competent ecclesiastical foundation supervisory bodies;

b) pursues an investment policy and use of assets permitting supervision by the Foundation Supervisory Authority. The Foundation Supervisory Authority may issue an executing regulation in this regard.

3) The Foundation Supervisory Authority shall revoke the exemption if the preconditions set out in paragraphs 1 and 2 are no longer met.

**IV. Supervision**

## Article 7

*Principle*

The Foundation Supervisory Authority shall exercise the tasks assigned to it by law as a supervisory authority in relation to both common-benefit foundations and foundations made subject to supervision pursuant to a provision of the foundation deed especially by

a) taking a position as a party in special non-contentious civil proceedings for the appointment of an audit authority;

- b) ensuring, on the basis of the audit report to be submitted each year by the audit authority and any other information obtained from the audit authority, that the foundation assets are managed and appropriated in accordance with the purpose of the foundation by applying to the judge for the required orders in special non-contentious civil proceedings;
- c) taking a position as a party in special non-contentious civil proceedings in the case of orders for required measures applied for to the judge by foundation participants in accordance with article 552 § 29 paragraph 3 PGR;
- d) taking a position as a party in special non-contentious civil proceedings in the case of amendments to the purpose of the foundation or other contents of the foundation deed or the supplementary foundation deed applied for to the judge by foundation participants.

#### Article 8

##### *Auditing and reporting duties of the audit authority*

- 1) As an executive body of the foundation, the audit authority shall be under an obligation to verify once a year whether the foundation assets are being managed and appropriated in accordance with their purposes.
- 2) The audit authority shall submit to the Foundation Supervisory Authority a report on the outcome of this audit.
- 3) If there is no reason for objection, it shall be sufficient to provide confirmation that the assets have been managed and appropriated in accordance with the purpose of the foundation and in conformity with the provisions of the law and the foundation documents.
- 4) If the audit authority ascertains circumstances which indicate that the foundation assets have been managed or appropriated in a manner contrary to the purpose of the foundation or which jeopardize the existence of the foundation, it shall inform the Foundation Supervisory Authority in the form of a comprehensive report.
- 5) The Foundation Supervisory Authority may demand from the audit authority disclosure of all facts of which it has become aware during the course of its audit.
- 6) The Foundation Supervisory Authority may issue directives on the content and form of the audits and on the reports to be prepared.



## Article 9

*Inspection*

The Foundation Supervisory Authority shall inspect the audit reports and foundation documents submitted to it in the course of the supervisory procedure. This inspection shall not amount to a discharge of the responsible executive bodies of the foundation.

## Article 10

*Presentation and notification requirements*

Foundations exempted from the obligation to appoint an audit authority shall, when requested by the Foundation Supervisory Authority, present to the Foundation Supervisory Authority the foundation deed, the supplementary foundation deed, regulations, and other documents and shall notify amendments to these foundation documents immediately without being requested to do so.

## Article 11

*Application for required measures*

The Foundation Supervisory Authority shall apply for an order for the required measures in accordance with article 552 § 29 paragraph 3 PGR directly to the judge. These applications shall not be subject to separate appeal.

## Article 12

*Confidentiality*

The Foundation Supervisory Authority shall treat confidentially the contents of the foundation documents brought to its attention and other information brought to its attention as part of its supervisory activity and shall use such information exclusively for the performance of its duties.

## V. Fees and costs

### Article 13

#### *Fees*

1) The Foundation Supervisory Authority shall levy the following fees for the following activities:

- a) for the evaluation of audit reports: 200 to 1,000 francs, depending on the work involved;
- b) for decisions on exemption from the obligation to appoint an audit authority: 150 francs;
- c) for inspection of the books and documents of foundations in the case of exemption from the obligation to appoint an audit authority: 150 to 2,000 francs, depending on the work involved;
- d) for activities in connection with the application for required measures to the judge in special non-contentious civil proceedings: depending on the work involved.

2) An hourly rate of 150 francs shall be used to calculate the work involved under paragraph 1.

### Article 14

#### *Costs*

The foundation shall bear the costs for:

- a) exercising the authority to examine in accordance with article 552 § 21 paragraphs 1 and 2 PGR by a controlling body or an authorized third party; and
- b) inspection of the books and documents of the foundation by an authorized third party in accordance with article 552 § 29 paragraph 3 sentence 3 PGR.

## V. Final provision

### Article 15

#### *Entry into force*

This Ordinance shall enter into force at the same time as the Law of 26 June 2008 amending the Law on Persons and Companies.

The Government:  
signed *Otmar Hasler*  
Prime Minister

## General Civil Code of 1 June 1811

### § 879<sup>1</sup>

- 1) A contract in violation of a legal prohibition or good morals shall be void.<sup>2</sup>
- 2) In particular, the following contracts shall be void:
  1. if something is stipulated for the negotiation of a marriage contract;
  2. if an attorney claims, in whole or in part, the award of a legal dispute entrusted to him or obtains the promise of a certain part of the amount awarded to the party;
  3. if an inheritance or bequest one hopes to obtain from a third party is sold while that third party is still alive;
  4. if someone exploits the carelessness, plight, weakness of mind, inexperience, or mental agitation of another person by obtaining the promise of consideration for himself or a third party in return for a service or by accepting such consideration, where the value thereof is strikingly disproportionate to the value of the service provided.<sup>3</sup>
- 3) A clause contained in pre-formulated terms of business that does not define one of the main reciprocal performances shall in any event be void if, taking account of all circumstances of the case, it leads to a considerable disproportion of the contractual rights and duties to the detriment of one of the contracting parties.<sup>4</sup>

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<sup>1</sup> On § 879 see also Court Chancellery Decree of 6 June 1838, JGS. No. 277, LR 210.126.

<sup>2</sup> § 879 paragraph 1 amended by LGBL. 1976 No. 75.

<sup>3</sup> § 879 paragraph 2 amended by LGBL. 1976 No. 75.

<sup>4</sup> § 879 paragraph 3 inserted by LGBL. 1997 No. 57.

***Implementing agreement of 18 December 2012 between the National Police of the Principality of Liechtenstein, represented by the Chief of the National Police, and the Swiss Federal Customs Administration, represented by the Head of the Swiss Border Guard, on Police Cooperation in the Border Area***

*Based on article 14, paragraph 1 of the Framework Treaty of 3 December 2008 between the Principality of Liechtenstein and the Swiss Confederation concerning Cooperation in the Field of Visa Procedures, Entry and Stay as well as Police Cooperation in the Border Area and article 2, paragraph 5 of the Agreement of 3 December 2008 between the Government of the Principality of Liechtenstein and the Swiss Federal Council on Police Cooperation in the Border Area, the Chief of the National Police and the Head of the Swiss Border Guard of the Swiss Federal Customs Administration agree as follows:*

*Article 1 (c) Cash control*

- 1. To combat and prevent money laundering and terrorist financing, the Swiss Border Guard shall carry out cash controls at the Liechtenstein border crossing posts to Austria in application of article 25e of the Police Act (LR 143.0) and shall in this regard apply the service regulations of the Swiss Border Guard governing control of cross-border cash transactions mutatis mutandis.*
- 2. In the case of dutiful provision of information and plausible assessment, merely the cash control form shall be transmitted to the National Police (IPC).*
- 3. If information as referred to in article 25e, paragraph 1 of the Police Act is denied in whole or in part, or in the case of false provision of information as well as initial suspicion of money laundering or terrorist financing on other grounds, the National Police shall be involved immediately and the cash control form provided.*

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**Law**  
of 17 May 2006  
**on Insurance Mediation (Insurance Mediation Act;  
IMA)**

## Article 11

*Withdrawal of license*

- 1) The FMA shall withdraw the license if:
- a) the preconditions for granting it are no longer fulfilled; or
  - b) the license holder grossly violates statutory or contractual obligations.
- 2) In the case of paragraph 1 (a), the FMA shall, before withdrawing the license, set an appropriate deadline for restoring the lawful state of affairs if there is a reasonable prospect of the shortcoming being remedied.

**VI. Penal provisions**

## Article 26

*Misdemeanors and infractions*

- 1) The Court of Justice shall punish with imprisonment of up to six months or with a fine of up to 360 daily rates for committing a misdemeanor anyone who:
- a) violates insurance secrecy or induces or attempts to induce such a violation;
  - b) performs an insurance mediation activity subject to this Act without a license.
- 2) The FMA shall punish with a fine of up to 50,000 Swiss francs for committing an infraction anyone who:
- a) engages in insurance mediation in favor of insurance undertakings that are subject to the Insurance Supervision Act and that are not licensed to conduct business in Liechtenstein;
  - b) contravenes its obligation to ensure by means of a measure referred to in article 17 (2) that he or she is always able to forward payments to the entitled party that have been made to him or her by a party to an insurance contract for the benefit of the other contracting party;
  - c) fails to submit a notification to the FMA that is required by this Act;
  - d) fails to comply with a demand to restore the lawful state of affairs or another order made by the FMA issued in the course of execution of this Act.
- 3) If contraventions are committed in the business operations of a legal person, a general partnership, a limited partnership, or a sole proprietorship, the penal provisions shall apply to those persons that acted or should have acted on their behalf, but with joint and several liability of the legal person, the partnership, or the sole proprietorship for the fines and costs.

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**Law**

of 6 December 1995

**on the Supervision of Insurance Undertakings  
(Insurance Supervision Act; ISA)**Article 18<sup>1</sup>*Requirements for governing bodies*

1) Members of the board of supervision or the board of directors and of the general management must have the professional qualifications and personal integrity to meet the requirements for the leadership of an insurance undertaking.

2) At least one member of the board of supervision or of the board of directors and of the general management must have Liechtenstein citizenship or the citizenship of a Contracting Party to the EEA Agreement or of Switzerland or be granted treatment equal to such persons pursuant to an international agreement. With respect to the member of general management, the supervisory authority may approve exceptions in special cases.

3) The members of the board of supervision or of the board of directors and of the general management must have a residence that allows them to actually and impeccably fulfill their function and their responsibilities.

Article 55<sup>2</sup>*Withdrawal of license*

1) The supervisory authority may withdraw the license to engage in individual classes of insurance or for all business activities if:

- a) an insurance undertaking no longer fulfills the preconditions for granting of the license;
- b) the insurance undertaking seriously violates obligations arising from supervisory regulations, the business plan or official orders;
- c) such serious irregularities arise that a continuation of business activities endangers the interests of the insured persons;
- d) the insurance undertaking does not use the license for business activities within twelve months, expressly renounces the license, or has ceased business activities for more than six months; or
- e) bankruptcy proceedings have been initiated with respect to the assets of the insurance undertaking.

2) The supervisory authority may withdraw the license in whole or in part if the insurance undertaking is unable to implement the measures provided in a financial reorganization plan or in a short-term financing plan within the fixed deadline.

3) If the license is withdrawn, the supervisory authority shall take all appropriate measures to safeguard the interests of the insured persons. In particular, it may limit or prohibit free disposal of the assets of the undertaking and it may transfer management of the assets to suitable persons. The supervisory authority shall also inform the competent authorities of the other Contracting Parties to the EEA Agreement.

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<sup>1</sup> Article 18 amended by LGBl. 2009 No. 328.

<sup>2</sup> Article 55 amended by LGBl. 2009 No. 328.

4) If the supervisory authority gains knowledge of facts that would justify withdrawal of the license, it may instead demand the dismissal of members of the board of supervision or board of directors or of general managers to whom the facts relate and it may also prohibit these persons from engaging in their business activities.

## **B. Cooperation with other domestic authorities<sup>1</sup>**

### Article 61<sup>2</sup>

#### *Principle*

Within the framework of supervision, the supervisory authority shall work together with other domestic authorities, to the extent necessary for fulfillment of its responsibilities.

### Article 61a<sup>3</sup>

#### *Notification obligation of the courts and the Office of Justice<sup>4</sup>*

1) The courts shall furnish the supervisory authority with a copy of all judgments concerning provisions of insurance contract law.

2) The Office of Justice shall notify the supervisory authority of all changes to entries in the Public Registry that concern an insurance undertaking. It shall also grant the supervisory authority electronic access to the data of the Public Registry.<sup>5</sup>

## **C. Cooperation with foreign authorities<sup>6</sup>**

### Article 61b<sup>7</sup>

#### *Principle*

1) The supervisory authority may, to the extent necessary for fulfillment of its responsibilities, work together with the competent foreign authorities within the framework of supervision by, in particular, processing data, information, reports, and records or transmitting them to the competent foreign authorities.

2) For the purpose of cooperation, the supervisory authority may also conclude agreements with foreign supervisory authorities, subject to article 61e.

### Article 61c<sup>8</sup>

#### *Information exchange with authorities from Contracting Parties to the EEA Agreement*

The supervisory authority may, within the framework of its supervision, exchange all information with the competent authorities of other Contracting Parties to the EEA Agreement if:

- a) the sovereignty, security, public order or other essential national interests of the State are not violated;
- b) the recipients and the persons employed and mandated by the competent authorities are subject to a confidentiality obligation equivalent to article 44;

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<sup>1</sup> Title preceding article 61 inserted by LGBl. 2009 No. 328.

<sup>2</sup> Article 61 amended by LGBl. 2009 No. 328.

<sup>3</sup> Article 61a inserted by LGBl. 2009 No. 328.

<sup>4</sup> Article 61a heading amended by LGBl. 2013 No. 6.

<sup>5</sup> Article 61a paragraph 2 amended by LGBl. 2013 No. 6.

<sup>6</sup> Title preceding article 61b inserted by LGBl. 2009 No. 328.

<sup>7</sup> Article 61b inserted by LGBl. 2009 No. 328.

<sup>8</sup> Article 61c inserted by LGBl. 2009 No. 328.



- c) it is guaranteed that the communicated information is used only for matters relating to financial market supervision, especially supervision of insurance undertakings; and
- d) in the case of information originating from abroad, express consent of the authority communicating the information exists and it is guaranteed that the information shall, where applicable, only be transmitted for the purposes expressly consented to by these authorities.

#### Article 61d<sup>1</sup>

##### *Information exchange with authorities from third States*

1) Applying article 61c *mutatis mutandis*, the supervisory authority may exchange all information necessary for fulfillment of the responsibilities under this Act or under foreign laws comparable to this Act with the competent authorities of States that are not Contracting Parties to the EEA Agreement (third States).

2) Personal data may be transmitted to third States only in accordance with article 8 of the Data Protection Act.

### **VIII. Penal provisions**

#### Article 64

##### *Misdemeanors and infractions*

1) The Court of Justice shall punish with imprisonment of up to six months or with a fine of up to 360 daily rates for committing a misdemeanor anyone who:

- a) violates insurance secrecy or induces or attempts to induce such a violation;
- b) performs an insurance activity subject to this Act without a license.

Both punishments may be combined.

2) The Court of Justice shall punish with a fine of up to 100,000 Swiss francs for committing an infraction anyone who:

- a) violates conditions imposed in connection with a license;
- b) violates the provisions concerning capital adequacy and formation of reserves;
- c) provides false information to the supervisory authority, in particular for the purposes of obtaining a license for business activities, approval for cross-border provision of services, approval of amendments to the business plan, or approval of a transfer of an insurance portfolio on behalf of an insurance undertaking;
- d) provides false information to the independent auditors;
- e) does not keep account books properly or does not retain account books and receipts;
- f) as an auditor, grossly violates his or her responsibilities, in particular by making untrue statements in the audit report or withholding material facts, by failing to make prescribed requests to the insurance undertaking, or by failing to submit prescribed reports and notifications;
- g) as a responsible actuary for life insurance or as a special mandatee grossly violates his or her responsibilities;
- h) as a claims management undertaking, performs insurance activities other than processing of benefits for legal expenses insurance or processes benefits for other classes of insurance;
- i) does not comply with the approved business plan;
- j) conducts business alien to insurance.

3) The supervisory authority shall punish with a fine of up to 50,000 Swiss francs for committing an infraction anyone who:<sup>2</sup>

<sup>1</sup> Article 61d inserted by LGBl. 2009 No. 328.

<sup>2</sup> Article 64, paragraph 3, introductory phrase amended by LGBl. 2004 No. 188.

- a) fails to compile or publish the annual financial statements or annual report as required;
  - b) fails to have the ordinary audit or an audit prescribed by the supervisory authority carried out;
  - c) fails to fulfill his or her responsibilities vis-à-vis the independent auditor;
  - d) fails to submit the prescribed notifications to the supervisory authority or fails to fulfill the submission requirements;
  - e) fails to comply with a demand to bring about a lawful state of affairs or with any other order by the supervisory authority;
  - f) makes use of services of an insurance intermediary subject to the Insurance Mediation Act that does not have the required FMA license;<sup>1</sup>
  - g) makes unauthorized use of terms that suggest it is acting as an insurance undertaking;<sup>2</sup>
  - h) fails to properly execute claims adjustment for motor vehicle liability insurance pursuant to article 75c (1) of the Road Traffic Act;<sup>3</sup>
  - i) as an auditor, violates his or her obligations under this Act, in particular article 41.<sup>4</sup>
- 4) If the offenses are committed negligently, the maximum penalties shall be reduced by half.
- 5) The misdemeanors according to paragraph 1 shall be subject to a statute of limitations of two years.
- 6) Except where otherwise stipulated herein, the general part of the Criminal Code shall apply *mutatis mutandis*.

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<sup>1</sup> Article 64, paragraph 3(f) amended by LGBl. 2006 No. 128.

<sup>2</sup> Article 64, paragraph 3(g) inserted by LGBl. 2002 No. 157.

<sup>3</sup> Article 64, paragraph 3(h) amended by LGBl. 2011 No. 10.

<sup>4</sup> Article 64, paragraph 3(i) inserted by LGBl. 2011 No. 10.

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**Ordinance**

of 17 December 1996

**on the Law on Supervision of Insurance  
Undertakings (Insurance Supervision Ordinance;  
ISO)**Article 61<sup>1</sup>*Material assessment of holdings*

1) In order to ensure the sound and prudent management of the insurance undertaking, the supervisory authority shall appraise the suitability of the proposed acquirer and the soundness of the intended acquisition or increase against the following criteria:

- a) the personal integrity of the proposed acquirer;
- b) the personal integrity and experience of each person who, as a result of the acquisition or increase, will direct the business of the insurance undertaking;
- c) the financial soundness of the proposed acquirer, in particular in relation to the type of business pursued and envisaged in the insurance undertaking in which the holding is to be acquired;
- d) whether:
  - 1. the insurance undertaking is and will remain in a position to comply with the relevant supervisory requirements; and
  - 2. the group of which the insurance undertaking will become part as a result of the acquisition or increase has a structure that makes it possible to exercise effective supervision, determine a reasonable allocation of responsibilities, and effectively exchange information among the supervisory authority and other competent authorities;
- e) whether there are sufficient grounds for suspecting that money laundering or terrorist financing is taking place or has taken place or has been attempted in connection with the intended acquisition, or the intended acquisition could increase the risk thereof.

2) The supervisory authority may oppose the acquisition or increase if, on the basis of the criteria set out in paragraph 1, there are reasonable grounds for so doing or the information or documentation required to be submitted is incomplete.

3) The supervisory authority may order that acquisitions that have already been completed be reversed if the persons with such holdings or intending to acquire such holdings do not meet the demands imposed in the interest of sound and prudent management of the insurance undertaking or fail to meet the notification obligation in accordance with article 59.

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<sup>1</sup> Article 61 amended by LGBl. 2009 No. 333.

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**Law**

of 10 December 2008

**on the Enforcement of International Sanctions  
(International Sanctions Act, ISA)**

I hereby grant My consent to the following resolution adopted by Parliament:<sup>1</sup>

**I. General provisions**

## Article 1

*Object*

1) To enforce international sanctions that have been adopted by the United Nations or the most significant trading partners of the Principality of Liechtenstein and that serve to secure compliance with international law, and in particular the respect of human rights, compulsory measures may be enacted.

2) Compulsory measures may in particular:

- a) directly or indirectly restrict transactions involving goods and services, payment and capital transfers, and the movement of persons, as well as scientific, technological and cultural exchange;
- b) include prohibitions, licensing and reporting obligations as well as other restrictions of rights.

3) This Act shall be subject to provisions applicable in Liechtenstein pursuant to international treaties.

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<sup>1</sup> Report and Application of the Government No. 91/2008

## Article 2

*Enactment of compulsory measures*

1) The Government has the authority to enact compulsory measures. It may stipulate exceptions:

- a) in order to support humanitarian activities, in particular for the provision of food supplies, medicines and therapeutic products, or
- b) in order to safeguard Liechtenstein interests.

2) The compulsory measures are enacted in the form of ordinances.

**II. Execution**

## Article 3

*Duty of disclosure*

Anyone who is directly or indirectly affected by measures in accordance with this Act must on request provide the competent executing authorities with the information and documentation that is required for comprehensive assessment or supervision to be carried out.

## Article 4

*Powers of the executing authorities*

1) The competent executing authorities have the right to enter and inspect the business premises of persons who are subject to a duty of disclosure without prior notice, as well as to examine relevant documentation and secure incriminating material. They may call upon the assistance of the National Police.

2) For the purpose of enforcing the powers mentioned in paragraph 1, the competent executing authorities must apply to the Court of Justice. The Code of Criminal Procedure shall be applicable *mutatis mutandis*.

## Article 5

*Official secrecy*

The bodies responsible for execution of this Act, as well as third parties called upon for assistance, are obliged to preserve official secrecy.

**III. Cooperation**

## Article 6

*Cooperation within Liechtenstein*

The Liechtenstein authorities, especially the courts, the Office of the Public Prosecutor, the FMA, the FIU, the National Police, and other competent authorities in the field of international sanctions are required to disclose data, including particularly sensitive personal data, to each other and to transmit documents, provided that this is necessary for execution of this Act and of the ordinances referred to in article 2, paragraph 2.

## Article 7

*Cooperation with foreign authorities and the United Nations*

1) The competent executing authorities may cooperate with the competent foreign authorities and the United Nations and coordinate their investigations, provided:

- a) this is necessary for the execution of this Act and of the ordinances referred to in article 2, paragraph 2, corresponding foreign provisions, or corresponding provisions of the United Nations; and
- b) the foreign authorities or the United Nations are bound by official secrecy or a corresponding duty of secrecy, and guarantee the prevention of industrial espionage within the scope of their activities.

2) The competent executing authorities may in particular request foreign authorities and the United Nations to hand over any data that is required. In order to obtain such data, they may disclose data, including particularly sensitive personal data, to the foreign authorities and the United Nations, and in particular data relating to:

- a) the nature, quantity, place of destination and place of use, purpose, and recipients of goods and services;

- b) persons who are involved in the manufacture, supply, or procurement of goods or the provision of services;
- c) the financial terms and conditions of the transaction and the persons involved;
- d) frozen accounts and assets.

3) The competent executing authorities may disclose data referred to in paragraph 2 on their own initiative or in response to a request from a foreign state, provided the relevant state:

- a) accords reciprocal legal rights and is also enforcing the international sanctions;
- b) provides assurance that the data will be processed only for purposes that are in accordance with this Act; and
- c) provides assurance that the data will be used in criminal proceedings only if that data has subsequently been obtained in accordance with the provisions of the Mutual Legal Assistance Act.

4) The competent executing authorities may, subject to the requirements of paragraph 3, also disclose data to the United Nations. In doing so, they may dispense with the requirement that reciprocal legal rights be accorded.

5) These provisions are subject to the provisions of the Mutual Legal Assistance Act. Punishable acts under this Act shall not be considered a violation of provisions governing taxes, monopolies, customs, or foreign currencies or of provisions governing the management of goods or foreign trade as referred to in article 15 of the Mutual Legal Assistance Act.

## IV. Data protection

### Article 8

#### *Data processing*

1) The competent executing authorities may process data, provided this is necessary for the execution of this Act and of the ordinances referred to in article 2, paragraph 2.

2) The competent executing authorities may process particularly sensitive data only in the event that such data is relevant to proceedings or penalties under administrative or criminal law or if this is essential for the handling of the case in question.

## V. Legal protection

### Article 9

#### *Legal remedies and proceedings*

- 1) Decisions and decrees of the competent executing authorities may be appealed to the Government within 14 days of service.
- 2) Decisions and decrees of the Government may be appealed to the Administrative Court within 14 days of service.
- 3) The provisions of the National Public Administration Act shall apply *mutatis mutandis* to the proceedings.

## VI. Penal provisions and measures

### Article 10

#### *Misdemeanours*

- 1) Anyone who wilfully violates any provision of an ordinance referred to in article 2, paragraph 2, provided such violation is declared to be subject to prosecution, shall be punished by the Court of Justice with imprisonment of up to three years or with a monetary penalty of up to 360 daily rates.
- 2) In the event that the violation is committed negligently, the upper limit of the penalty shall be reduced by half.

### Article 11

#### *Infractions*

- 1) Anyone who wilfully does the following shall be punished by the Court of Justice for committing an infraction with a fine of up to 100,000 francs, but if the fine cannot be collected with imprisonment of up to six months:
  - a) refuses to provide information, to hand over documents, or to permit access to business premises as referred to in article 3 and article 4, paragraph 1, or makes false or misleading statements in this connection, where the act is not considered culpable conduct in accordance with any other penal offence;



b) violates any provision of an ordinance referred to in article 2, paragraph 2, provided such infraction is declared to be subject to prosecution, or violates any decree issued with reference to the liability to penalties under this Article, where the act is not considered culpable conduct in accordance with any other penal offence.

2) In the event that the violation is committed negligently, the upper limit of the penalty shall be reduced by half.

3) The period of limitation for the infractions set out in paragraph 1 shall be five years.

#### Article 12

##### *Liability*

If the punishable acts are committed in the business operations of a legal person, a general partnership, a limited partnership, or a sole proprietorship, then the penal provisions shall apply to the persons that acted or should have acted on their behalf, but with joint and several liability of the legal person, partnership, or sole proprietorship for the monetary penalties, fines, and costs.

#### Article 13

##### *Confiscation of property and assets*

1) Property and assets that are subject to compulsory measures may be confiscated by the Government beyond the scope of criminal proceedings where an obligation under international law exists to that effect.

2) To prevent cases of hardship, the Government may grant exceptions.

3) The provisions of the National Public Administration Act shall apply to the confiscation proceedings.

4) The confiscated property and assets shall be used in accordance with obligations under international law.

## VII. Final provisions

### Article 14

#### *Implementing ordinances*

The Government shall issue the ordinances necessary to implement this Act.

### Article 15

#### *Executing authorities*

The executing authorities for the purpose of this Act shall be the Government and the administrative offices it designates by ordinance.

### Article 16

#### *Repeal of law hitherto in force*

The Law of 8 May 1991 on Measures concerning Economic Transactions with Foreign States, LGBI. 1991 No. 41, is hereby repealed.

### Article 17

#### *Entry into force*

Subject to expiry of the referendum period without a referendum being called, this Act shall enter into force on 1 March 2009, otherwise on the day of its promulgation.

Representing the Reigning Prince:

signed *Alois*

Hereditary Prince

signed *Otmar Hasler*

Prime Minister

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**Law**

of 19 May 2005

**on Investment Undertakings for Other Securities or  
Real Estate (Investment Undertakings Act; IUA)<sup>1</sup>**

## Article 15

*Protection of secrecy*

1) The members of the board of directors and of the general management of management companies, their employees as well as any other persons acting on behalf of such management companies shall be obliged to maintain the secrecy of facts that have been entrusted or made available to them as a result of their business relationship with clients. The obligation of secrecy shall apply without limitation of time.

2) If, in the course of their service, representatives of the authorities become aware of facts that are subject to the protection of secrecy under paragraph 1, they must maintain this secrecy as official secrecy.

3) The statutory provisions on testimony or the obligation to provide information to the criminal courts apply notwithstanding.

## Article 68

*Guarantee of sound and proper business operation*

The professional and personal qualities of the persons entrusted with the management of an investment undertaking must always guarantee sound and proper business operation.

**B. Amendment, revocation, expiration, withdrawal, termination and  
cancellation**

## Article 71

*Amendment and revocation*

Licenses may be amended or revoked if the license holder obtained the license dishonestly by providing false information or if material circumstances were not known.

## Article 72

*Expiration*

1) Licenses granted to the management company shall expire if the company does not initiate business activities within twelve months of the license being granted.

2) Licenses for the investment undertaking shall expire if:

a) the minimum net assets stipulated in article 59 are not reached within six months of the license being granted, unless an extension has been granted in accordance with article 59 (3);

b) following redemption of all units, no new units are issued for at least six months;

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<sup>1</sup> Title amended by LGBl. 2011 No. 296.

c) the management company renounces it in writing without units being in circulation.

3) The management company must publish the expiration of a license and notify the Office of Justice.<sup>1</sup>

4) Upon expiration of a license, the management company shall lose the power to dispose of the assets and rights of the investment undertaking. At this point, a liquidator must be appointed in accordance with the provisions of persons and companies law. The FMA shall monitor the liquidator.

5) The expiration of a license also has the effect of dissolution and cancellation of the management company or investment undertaking in the Public Registry.<sup>2</sup>

## Article 73

### *Withdrawal*

1) Licenses shall be withdrawn and the withdrawal published if:

- a) the preconditions for granting the license are no longer fulfilled;
- b) the license holder grossly violates statutory or contractual obligations;
- c) the license holder repeatedly violates statutory or contractual obligations; or
- d) the general interests of the financial center are violated.

2) Licenses pursuant to article 24 (3) shall be withdrawn if the management company no longer fulfills the requirements concerning capital adequacy.

3) The management company must publish the withdrawal of a license and notify the Office of Justice.<sup>3</sup>

4) Upon withdrawal of a license, the management company shall lose the power to dispose of the assets and rights of the investment undertaking. At this point, a liquidator must be appointed in accordance with the provisions of persons and companies law. The FMA shall monitor the liquidator.

5) The withdrawal of a license also has the effect of termination and cancellation of the management company or investment undertaking in the Public Registry.<sup>4</sup>

6) A company that performs activities within the meaning of this Act without a license may be terminated by the FMA if the purpose of this Act so requires. In urgent cases, this may be done without prior warning and without imposing a deadline.

## Article 74

### *Termination*

1) Investment undertakings shall be terminated if:

- a) their duration as set out in the complete prospectus has expired;
- b) a license expires or the FMA withdraws a license;
- c) the custodian bank gives notice and no successor can be found before the notice period ends.

2) In addition to the reasons set out in paragraph 1, investment undertakings shall also be terminated if the management company:

- a) gives notice and no successor can be found before the notice period ends; or
- b) requests their early termination.

3) Notice and termination shall be published in the publication organs.

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<sup>1</sup> Article 72, paragraph 3 amended by LGBl. 2013 No. 6.

<sup>2</sup> Article 72, paragraph 5 amended by LGBl. 2013 No. 6.

<sup>3</sup> Article 73, paragraph 3 amended by LGBl. 2013 No. 6.

<sup>4</sup> Article 73, paragraph 5 amended by LGBl. 2013 No. 6.

## Article 75

### *Prohibition on the issue and redemption of units*

- 1) Units may not be redeemed, nor new units issued, in the event of:
  - a) notice being given by the management company or the custodian bank and no successor being found;
  - b) an application for the early termination of the investment undertaking; or
  - c) the withdrawal or revocation of a license to perform the business activity.
- 2) The prohibition on the issue and redemption of units shall remain in force until termination of the investment undertaking has been avoided.
- 3) The management company shall publish the prohibition on the issue and redemption of units.

## Article 111

### *Misdemeanors and infractions*

- 1) The Court of Justice shall punish with imprisonment of up to one year or with a fine of up to 360 daily rates for committing a misdemeanor anyone who:
  - a) performs an activity subject to this Act without a license;
  - b) as a member of a governing body of, an employee of, or any other person acting on behalf of a management company or a custodian bank, or as an auditor or member of the FMA Complaints Commission or employee of the FMA violates secrecy obligations or who induces or attempts to induce such a violation.
- 2) The Court of Justice shall punish with imprisonment of up to six months or with a fine of up to 180 daily rates for committing a misdemeanor anyone who:
  - a) violates conditions imposed in connection with a license;
  - b) violates the provisions on minimum net assets and capital adequacy;
  - c) violates the prohibition on using designations that suggest it is acting as an investment undertaking or management company;
  - d) supplies false or misleading information to the FMA or the independent auditor;
  - e) does not keep account books properly or does not retain account books and receipts;
  - f) as an auditor, grossly violates his or her responsibilities, in particular by making untrue statements in the audit report or withholding material facts, by failing to make prescribed requests to the management company, or by failing to submit prescribed reports and notifications;
  - g) supplies false information or withholds material facts in the periodic reports, the complete or simplified prospectus, or in other information;
  - h) as a management company, engages in business other than that permitted under this Act.
- 3) The Court of Justice shall punish with imprisonment of up to one year or with a fine of up to 360 daily rates for committing a misdemeanor anyone who commits a criminal offense pursuant to paragraph 2 within the context of an investment undertaking for other securities with increased risk.
- 4) The FMA shall punish with a fine of up to 100,000 Swiss francs for committing an infraction anyone who:
  - a) fails to compile or publish the periodic reports as required;
  - b) fails to have the ordinary audit or an audit prescribed by the FMA carried out;
  - c) fails to fulfill his or her responsibilities vis-à-vis the independent auditor;
  - d) fails to make the prescribed notifications to the FMA;
  - e) fails to comply with a demand to bring about a lawful state of affairs or with any other order by the FMA;

f) provides inadmissible, false, or misleading information in advertising for an investment undertaking;

g) as an auditor, violates his or her obligations under this Act, in particular articles 97 to 100 thereof.

5) In the event of failure to provide certain specified information on letters as set out in article 13, the FMA shall punish the management company with an administrative fine of up to 5,000 Swiss francs. This administrative fine may be imposed continuously until a lawful state of affairs has been brought about.

6) If the offenses are committed negligently, the maximum penalties shall be reduced by half.

7) The misdemeanors according to paragraphs 1 to 3 shall be subject to a statute of limitations of two years.

8) Except where otherwise stipulated herein, the general part of the Criminal Code shall apply *mutatis mutandis*.

**Liechtenstein Law Gazette**

Year 2005

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**Ordinance**

of 23 August 2005

**on Investment Undertakings for other Securities or  
Real Estate**

(Investment Undertakings Ordinance; IUO)<sup>1</sup>

Article 32<sup>2</sup>

*Qualifying holdings*

The acquisition, increase, or sale of qualifying holdings in a management company is governed by the provisions of Annex 8 of the Banking Ordinance, *mutatis mutandis*.

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<sup>1</sup> Title amended by LGBl. 2011 No. 313.

<sup>2</sup> Article 32 amended by LGBl. 2009 No. 257.

# Liechtenstein Law Gazette

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## Law of 21 September 2011 on the Central Register of Persons (CRP Act)

I hereby grant My consent to the following resolution adopted by Parliament:<sup>1</sup>

### I. General provisions

#### Article 1

##### *Object*

1) This Act governs the establishment and maintenance of the electronic Central Register of Persons (CRP) of the National Public Administration.

2) It shall not affect provisions in special legislation governing data processing and disclosure in the CRP.

#### Article 2

##### *Purpose of the CRP*

The CRP shall serve especially:

- a) to support the authorities in the performance of their duties defined by law;
- b) the uniform processing of personal data (data) by authorities;

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<sup>1</sup> Report and Application and Statement of the Government No. 67/2011 and 76/2011



- c) to simplify exchange of data between authorities;
- d) the provision of up-to-date data.

## Article 9

*Data retrieval*

1) Authorities wanting to retrieve CRP data shall need a licence issued by the CRP Commission.

2) The licence shall be granted if:

- a) the data retrieval is necessary for the performance of a duty defined by law;
- b) the data retrieval is proportionate within the meaning of article 4 of the Data Protection Act; and
- c) no technical or legal obstacles are opposed.

3) In the licence, the CRP Commission shall specify:

- a) the scope of the authorization to retrieve data; the CRP Commission may in particular also authorize the retrieval of historical data or automatic notification of changes to data;
- b) the duration of the authorization to retrieve data; this shall not apply to data in accordance with article 3, paragraph 1(a)(1) and (2).

4) In individual cases, the authority must justify the data retrieval in the CRP in advance. No justification shall be required if:

- a) the authority requires the data as part of pending or concluded proceedings and the time period set out in paragraph 3(b) has not expired; or
- b) the data is in accordance with article 3, paragraph 1(a)(1) and (2).

5) The Government may provide further details concerning data retrieval by ordinance.

### III. Organization and execution

#### Article 15

#### *Office of Information Technology*<sup>2</sup>

1) The Office of Information Technology shall be responsible for operating the CRP. In particular, it shall be responsible for:<sup>3</sup>

- a) ensuring the administrative and technical functionality of the CRP;
- b) coordinating the activities of the authorities processing or retrieving CRP data;

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<sup>2</sup> Article 15 heading amended by LGBl. 2012 No. 31.

<sup>3</sup> Article 15, paragraph 1 introductory sentence amended by LGBl. 2012 No. 31.

- c) guaranteeing data security within the meaning of article 9 of the Data Protection Act;
- d) establishing and administering user profiles;
- e) enacting and updating rules for processing.

2) The rules for processing referred to in paragraph 1(e) shall in particular define the organizational and technical measures against unauthorized processing or retrieval of the data as well as automatic logging of data processing and retrieval. The rules shall be subject to approval by the CRP Commission.

## **II. Competence**

### **A. Protection of constitutionally guaranteed rights**

#### Art. 15

##### *Individual complaint*

1) The Constitutional Court shall decide on complaints to the extent the complainant claims to be violated by a final decision of the court of last instance or by a decree of a public authority with respect to one of his constitutionally guaranteed rights or with respect to one of his rights guaranteed by international conventions where the legislative power has expressly recognized an individual right of complaint.

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2) Rights guaranteed by international conventions for the purposes of paragraph 1 shall be those under:

- a) the Convention of 4 November 1950 for the Protection of Human Rights and Fundamental Freedoms;
- b) the International Covenant on Civil and Political Rights of 16 December 1966;
- c) the International Convention of 21 December 1965 on the Elimination of All Forms of Racial Discrimination;
- d) the Convention of 18 December 1979 on the Elimination of All Forms of Discrimination against Women;
- e) the Convention of 10 December 1984 against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

3) Moreover, the Constitutional Court shall decide on complaints to the extent the complainant claims to be immediately violated by a law, an ordinance, or an international treaty with respect to one of his constitutionally guaranteed rights or with respect to one of his rights guaranteed by international conventions where the legislative power has expressly recognized an individual right of complaint (paragraph 2), and the legal provision in question has become effective in relation to the complainant without any decision or decree having been issued by a public authority.

4) The complaint may be lodged within four weeks of service of the decision of the court of last instance or the decree or within four weeks of effectiveness of the immediate violation (paragraph 3). In proceedings relating to international administrative assistance, the complaint period shall be 14 days.

# Liechtenstein Law Gazette

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## Law on the Office of the Public Prosecutor (OPP Act)

of 15 December 2010

I hereby grant My consent to the following resolution adopted by Parliament:<sup>1</sup>

### I. General provisions

#### Article 1

##### *Object*

This Act governs the duties and organization of the Office of the Public Prosecutor as well as the public service law applicable to prosecutors and non-prosecutorial employees.

#### Article 2

##### *Responsibilities of the Office of the Public Prosecutor*

In the performance of the duties assigned to it by law or international treaty, the Office of the Public Prosecutor is called upon to safeguard the interests of the State in the administration of justice, especially the administration of criminal justice. In criminal proceedings, it is responsible for public and judicial prosecution.

### Article 3

#### *Definitions and designations*

- 1) For the purposes of this Act:
  - a) "non-prosecutorial employees" means the employees of the Secretariat, the candidate prosecutors, and the trainee prosecutors;
  - b) "candidate prosecutors" means the employees in the preparatory service for prosecutors.
- 2) The designations used in this Act to denote persons, functions, and professions include members of male and female gender alike.

## **II. Organization**

### **A. Structure and organs of the Office of the Public Prosecutor**

#### Article 4

##### *Prosecutors*

- 1) The Office of the Public Prosecutor shall perform its duties through prosecutors.
- 2) In performing their duties, prosecutors shall be independent unless otherwise provided by this Act.
- 3) The prosecutors shall work independently and under their own responsibility within the framework of the tasks assigned to them according to the allocation of duties or in individual cases by the Prosecutor General.

#### Article 5

##### *Prosecutor General*

- 1) The Office of the Public Prosecutor shall be headed by a Prosecutor General. The Prosecutor General shall manage the Office of the Public Prosecutor and represent it externally. If the Prosecutor General is absent or unable to perform his duties, his powers shall be exercised by his Deputy.



2) The Prosecutor General and his Deputy shall be appointed by the Government from among the prosecutors.

## Article 6

### *Divisions*

The Prosecutor General, his Deputy and the other prosecutors shall each head a division. The powers of the divisions shall be set out in the allocation of duties.

## Article 7

### *Secretariat*

1) The Secretariat shall support the divisions in the performance of their duties.

2) The Secretariat shall in particular be responsible for:

- a) drawing up the prosecutorial matters;
- b) registering tasks;
- c) maintaining journals and the register; and
- d) the other administrative tasks of the divisions.

3) Within the framework of the allocation of duties, the Prosecutor General may further specify the organization of the Secretariat and its interactions with the divisions.

## **B. Instructions**

## Article 8

### *Basic principle*

1) The Government may issue the following to the Prosecutor General in writing:

- a) general instructions;
- b) instructions to act in a specific criminal case; such instructions may not include dropping of charges (§ 22 paragraph 1 StPO), termination of the proceedings (§§ 64, 158 paragraph 2 StPO), abandonment of

prosecution due to diversionary measures (Section IIIa of the StPO), withdrawal of an indictment, or waiver of an appeal to the detriment of the accused.

2) If written instructions in a specific criminal case pursuant to paragraph 1 are not possible on special grounds, especially due to imminent danger, any instructions issued orally must be confirmed in writing as soon as possible.

3) Only the Prosecutor General may issue written or oral instructions to the prosecutors.

4) Instructions must always be issued and justified with reference to this provision of the Act.

5) The constitutional right of the Reigning Prince to quash initiated investigations shall remain unaffected.

## Article 9

### *Right of remonstrance, protection of conscience, disclosure of instructions*

1) A prosecutor who believes an instruction he has received to act in a certain case is unlawful shall notify the Prosecutor General or, if it pertains to the Prosecutor General, the Government; this shall be done before carrying out the instruction, unless the measure cannot be delayed due to imminent danger.

2) If a prosecutor believes an instruction to be unlawful or if he requests an instruction in writing, then the Prosecutor General or, if it pertains to the Prosecutor General, the Government shall issue the instruction in writing or repeat it in writing, otherwise it shall be deemed withdrawn.

3) If a prosecutor is convinced of the unlawfulness or unjustifiability of the conduct requested of him, or if there are other grounds worthy of consideration, the Prosecutor General shall, upon written and sufficiently justified request, relieve the prosecutor of further action in the case, unless the measure cannot be delayed due to imminent danger.

4) The duty of official secrecy is not breached simply by notifying the existence and direction of an instruction to act in a certain case.

## C. Allocation of duties, audit, presence, and reporting

### Article 10

#### *Allocation of duties*

1) Each year, the Prosecutor General shall allocate the duties to the individual divisions. In doing so, he shall pay attention to equable workload of the prosecutors in each division and shall provide for substitution arrangements.

2) The allocation of duties shall be set up in a simple and clear manner and shall contain the designation of the divisions and the names of each prosecutor.

3) The allocation of duties shall not apply to decrees that must be carried out due to their urgency during on-call service and due to delegation of duties by the Prosecutor General.

4) The allocation of duties shall be brought to the attention of the Minister responsible for the Office of the Public Prosecutor and shall be disclosed to the public in an appropriate manner.

5) To the extent necessary for orderly conduct of business, the Prosecutor General may temporarily take on duties of another prosecutor himself or delegate certain generally described business to a prosecutor for independent execution. If events occur that have longer-term consequences for the conduct of business, the allocation of duties shall be amended, especially if:

- a) changes have occurred to the prosecutorial staff;
- b) necessary because a prosecutor is unable to perform his duties;
- c) a prosecutor is unable to perform duties within a reasonable time period because of their scope.

### Article 11

#### *Audit*

1) The Prosecutor General shall audit the tasks carried out by the prosecutors. He may appoint one of the other prosecutors for this purpose.

2) Waiver of prosecution of a punishable act referred to the Criminal Court shall always be subject to audit.

## Article 12

### *Official presence and on-call service*

1) The Prosecutor General shall arrange the presence of the prosecutors in such a way that they are able to perform their official duties in a proper manner.

2) On-call service shall be instituted outside regular presence requirements. On-call service shall be performed by a prosecutor to ensure timely execution of applications and orders that do not tolerate delay.

3) During on-call service, the prosecutor shall stay within Liechtenstein or close to the border abroad and shall ensure that he is reachable at all times and able to carry out the necessary official acts.

4) The Prosecutor General shall assign the prosecutors to on-call service in such a way that the prosecutors are called upon as equably as possible.

## Article 13

### *Reports*

1) Regarding criminal cases of particular public interest, the Prosecutor General shall immediately report to the Minister responsible for the Office of the Public Prosecutor and to the Prime Minister.

2) A report shall be made regarding criminal cases against Members of Parliament, Ministers, or persons serving as a mayor or member of a municipal council of a Liechtenstein municipality, unless a connection with their political activity can be ruled out.

3) The report shall be made in writing, in urgent matters also orally in advance, in an appropriate manner.

4) If applications and declarations must be made immediately due to imminent danger, the report must be filed as soon as possible afterwards.

#### Article 14

##### *Annual reports*

1) Each year by the end of February, the Prosecutor General must submit an annual report on the lawful conduct of the Office of the Public Prosecutor's business to the Government for the attention of Parliament.

2) The annual report must provide information regarding the criminal cases concluded over the course of the business year and those still pending, and it must detail the development of the caseload.

3) The annual report may also draw attention to observations regarding the state and course of the administration of justice and deficiencies in legislation, and it may include proposals for changes where and as appropriate.

### **D. Documentation and registration**

#### Article 15

##### *Journal*

1) A journal shall be kept at the Office of the Public Prosecutor for every criminal case.

2) The reasons for the following shall be entered into the journal:

- a) dropping of charges;
- b) a declaration of termination;
- c) abandonment of prosecution due to diversionary measures;
- d) withdrawal of an application for penalty or prosecution, an indictment, an application for placement in an institution for mentally abnormal lawbreakers, or another independent application.

3) Where an application for penalty or prosecution is submitted, the special circumstances important for bringing charges, providing evidence, and sentencing shall be briefly noted.

4) Cases involving detention shall be noted specially.

5) In the case of applications for penalty or prosecution, indictments, applications for placement in an institution for mentally abnormal lawbreakers, and notices of appeal, the original document shall be included in the journal, whereas copies shall suffice for reports.

6) The results of court proceedings and any declaration of appeal shall be noted in the journal.

## Article 16

### *Register*

1) The Office of the Public Prosecutor shall maintain a register of the criminal cases that arise, including all important procedural dates, the punishable acts, the procedural steps as well as decrees, applications, and assignments of the prosecutor.

2) By ordinance, the Government shall provide further details especially concerning the type, content, form, and maintenance of the register.

## Article 17

### *Access to journals and records*

1) The following persons shall have the right to access journals, subject to paragraph 2:

- a) the Minister responsible for the Office of the Public Prosecutor and the Prime Minister and, if they are unable to perform their duties, their deputies or a person authorized by them;
- b) to the extent necessary, those authorities dealing with criminal or disciplinary proceedings against a prosecutor or with proceedings under the Public Liability Act against the State due to an official activity of a prosecutor.

2) For the purpose of academic or scientific research, the Prosecutor General may grant the right to access journals. As a rule, access may be granted only ten years after charges have been dropped or the proceedings have otherwise come to an end.

3) If there is a justified legal interest, access shall be granted to the records included with the journal, unless there are special countervailing circumstances. As a rule, this right of access exists only after charges have been dropped, proceedings have been terminated, prosecution has been abandoned pursuant to Section IIIa of the Code of Criminal Procedure, or the proceedings have otherwise come to an end.

## Article 18

### *Data processing*

The Office of the Public Prosecutor may process all data, including personality profiles and especially sensitive personal data, necessary to perform its duties under this Act.

## **E. Relationship with the courts**

## Article 19

### *Performance of acts at the court*

1) The prosecutors' sphere of activity at the courts and their interactions with the courts shall be governed by the special legal procedural requirements, especially the Code of Criminal Procedure.

2) Where possible and to the extent it is in the interest of proper prosecution, the prosecution shall be represented at trial by the prosecutor who primarily dealt with the case up to that time.

3) Representation of the prosecution at trial before an individual judge of the Court of Justice may also be delegated to candidate prosecutors and candidate judges.

## F. Supervision

### Article 20

#### *Administrative supervision*

1) The administrative supervision of prosecutors, the candidate judges entrusted with performance of prosecutorial duties, and the non-prosecutorial employees shall be the responsibility of the Prosecutor General. The administrative supervision of the Prosecutor General shall be the responsibility of the Government.

2) Administrative supervision shall in particular encompass the following:

- a) surveillance of the caseload, completion deadlines, and keeping of the journal and register;
- b) monitoring of extended delays in proceedings; and
- c) continuing training in the administration of justice.

3) No ordinary legal remedies shall be permissible against decrees and orders issued by the supervisory organs in the performance of administrative supervision.

### Article 21

#### *Administrative supervision complaint*

1) Complaints concerning improper conduct in the performance of official acts or concerning the refusal or delay of administration of justice may be lodged by anyone in writing:

- a) with the Government, to the extent they concern the Prosecutor General;
- b) with the Prosecutor General, to the extent they concern the other prosecutors, the candidate judges entrusted with performance of prosecutorial duties, and the non-prosecutorial employees.

2) All complaints that are not obviously unjustified shall be notified to the affected prosecutor or Prosecutor General with the request to remedy the complaint by a certain deadline and to report thereon or to state the obstacles that stand in the way.



## G. Exclusion and rejection of prosecutors

### Article 22

#### *Exclusion*

Prosecutors may not exercise their office if they:

- a) have a personal interest in the case;
- b) are or were married to an accused, cohabit or cohabited with an accused, or are related by blood or marriage to an accused up to the 4th degree. Adoptive, step, and foster relationships shall be deemed equivalent to natural parent-child relationships;
- c) are a representative, authorized person, employee, or organ of an accused person;
- d) are a witness in the case.

### Article 23

#### *Rejection*

1) Prosecutors may themselves request to be excluded or they may be rejected by the accused and the parties to the proceedings if:

- a) there is a close friendship, personal enmity, or a special relationship of obligation or dependency with the accused or a party to the proceedings;
- b) they have a legal dispute with the accused or a party to the proceedings or might be biased in the case on other grounds.

2) The rejection of a prosecutor must be notified within five days of knowledge of the ground for rejection.

### Article 24

#### *Exclusion and rejection procedure*

1) Unless there is imminent danger, every prosecutor shall refrain from all prosecutorial acts from the time when a ground for exclusion is known.

2) As soon as a ground for rejection or exclusion is known, every prosecutor shall be required to notify that ground to the Prosecutor General and, if the ground concerns the Prosecutor General himself, the Deputy Prosecutor General.

3) The Prosecutor General and, if it concerns the Prosecutor General himself, the Deputy Prosecutor General shall be required to exclude the prosecutor concerned if there is a ground for rejection or exclusion, and to entrust that prosecutor's deputy with performance of his tasks in accordance with the allocation of duties.

### **III. Public service law**

#### **A. General provisions**

##### Article 25

##### *Applicable law*

This Chapter sets out the public service law applicable to prosecutors. The employment of non-prosecutorial employees shall be governed by the public service law set out in the Public Employees Act, unless otherwise stipulated below.

#### **B. Preparatory service for prosecutors**

##### **1. Beginning and end of service**

##### Article 26

##### *Beginning of service*

1) The preparatory service for prosecutors shall begin with the appointment by the Government. Vacancies in the preparatory service for prosecutors shall be announced in the official publication organs.

2) Appointments shall be made upon the recommendation of the Prosecutor General. For this purpose, the Prosecutor General shall review the application materials and may participate in the assessment of the applicants.

3) The following requirements must be fulfilled for admission to the preparatory service for prosecutors:

- a) Liechtenstein citizenship;
- b) full legal capacity;
- c) unrestricted personal and professional suitability;
- d) successful completion of at least four years of legal studies at a university or other tertiary institution recognized by the Government with a master's, *Lizentiat*, *Magister* or equivalent degree;
- e) completion of legal practice at the Court of Justice or the Office of the Public Prosecutor as referred to in article 3, paragraph 1(d) of the Lawyers Act.

#### Article 27

##### *Term of service*

The presence of the candidate prosecutors during their term of service shall be determined according to the requirements of the training.

#### Article 28

##### *End of service*

1) Service shall end without dismissal upon conclusion of the preparatory service.

2) Service may be terminated by the Government on request of the Prosecutor General and by the candidate prosecutor effective the end of any calendar month. During the first half year of the preparatory service for prosecutors, the notice period shall be one month, and two months afterwards.

- 3) The Government may terminate service on the following grounds:
- a) a requirement for admission was not or is no longer fulfilled;
  - b) unsatisfactory work results;
  - c) improper conduct on or off duty.

4) If the conditions set out in the Public Employees Act are met, the Government may terminate service immediately on request of the Prosecutor General.

## **2. Training of candidate prosecutors**

### Article 29

#### *Duration and sequence of preparatory service*

1) The preparatory service for prosecutors shall last three years. The duration of the preparatory service may be reduced by at most two years on request of the candidate prosecutor if the candidate prosecutor is qualified to work as a lawyer in Liechtenstein upon admission to the preparatory service for prosecutors.

2) As needed, especially if the candidate prosecutor duly applies for the position of a prosecutor, the preparatory service for prosecutors may be extended until the candidate has been appointed as a prosecutor.

3) In the event of absences of more than a month, the duration of the preparatory service for prosecutors may be extended. Holidays shall not be counted.

4) At least one year of the preparatory service for prosecutors must be spent at the Office of the Public Prosecutor. Subject to paragraph 5, the remainder of the preparatory service may be spent at the Court of Justice, the Court of Appeal, the Supreme Court, an administrative authority of the State, or abroad pursuant to intergovernmental agreement. Legal practice as referred to in article 26, paragraph 3(e) shall be counted toward the duration of the preparatory service for prosecutors.

5) Candidate prosecutors who are not qualified to work as lawyers must take the lawyers' examination during the preparatory service for prosecutors. Article 3, paragraph 1(d) of the Lawyers Act shall apply to admission to the lawyers' examination with the proviso that at most one year of the legal practice requirement may be spent with a lawyer; the Government may grant unpaid level for this purpose.

## Article 30

### *Design and management of the preparatory service*

1) The preparatory service for prosecutors shall be structured so that the candidate prosecutors are instructed in all areas of prosecution and court service, including matters pertaining to the administration of justice, and are able to acquire the knowledge and skills necessary to perform the office of a prosecutor independently.

2) The Prosecutor General shall manage the preparatory service for prosecutors and shall determine assignment of the candidate prosecutors. To the extent training is carried out abroad, agreement of the Government shall be secured. If training is carried out outside the Office of the Public Prosecutor, agreement with the responsible president of the court shall be secured.

3) The candidate prosecutors shall be subject to the administrative supervision of the Prosecutor General.

## Article 31

### *Assessment of level of training*

1) All prosecutors, judges, or lawyers entrusted with training of the candidate prosecutors shall assess their performance, level of training, and suitability for the profession of prosecutor in writing.

2) With a view to suitability for the profession of prosecutor, the following shall be assessed:

a) professional knowledge especially of the requirements necessary for the candidate prosecutors to discharge their office;

- b) skills and intellectual grasp;
- c) diligence, persistence, conscientiousness, reliability, decisiveness, and purposefulness;
- d) communication skills and suitability for interaction with parties;
- e) articulateness (written and oral) in German and, to the extent necessary, foreign language skills;
- f) conduct toward supervisory, co-workers, and parties.

3) The Prosecutor General shall grant the candidate prosecutors access to their assessments if they so request.

### **C. Beginning of service**

#### Article 32

##### *Announcement and appointment*

1) Vacancies for prosecutor positions shall be announced by the Government in the official publication organs for open applications.

2) The Prosecutor General shall comment on the suitability of the applicants for the attention of the Government and, where there are several applicants, shall make a justified recommendation for appointment.

3) The Government, without being bound by the Prosecutor General's recommendation for appointment, shall appoint the prosecutors by concluding a written contract of service.

#### Article 33

##### *Requirements for appointment*

1) Subject to paragraphs 2 and 3, the following requirements must be fulfilled for appointment as a prosecutor:

- a) Liechtenstein citizenship;
- b) full legal capacity;
- c) unrestricted personal and professional suitability;
- d) completion of the preparatory service for judges or prosecutors.

2) Liechtenstein citizens who worked as lawyers in Liechtenstein for at least three years shall be exempted from the requirement set out in paragraph 1(d). Liechtenstein citizens who in the past already worked as full-time prosecutors or judges at an ordinary court in Liechtenstein shall likewise be exempted from the requirement set out paragraph 1(d).

3) The following shall be exempted from the requirements set out in paragraph 1(a) and (d):

- a) Austrian citizens who, immediately prior to their application, worked for at least five years without interruption as full-time prosecutors or judges;
- b) Swiss citizens who, immediately prior to their application, worked for at least five years without interruption as full-time prosecutors, judges, or judicial clerks.

#### Article 34

##### *Duration of service*

1) The appointment of prosecutors shall extend until they have reached the age limit for ordinary retirement.

2) Temporary appointments for the duration of at most three years shall be permissible; in justified cases, they may be extended by at most two additional years.

#### Article 35

##### *Oath of office*

1) Before assuming office, the prosecutors shall swear to steadfastly observe the Constitution and all other laws as well as to perform their duties conscientiously.

2) The Prime Minister shall be responsible for swearing in the prosecutors.

## D. Rights and obligations of prosecutors

### Article 36

#### *General obligations*

1) The prosecutors shall be sworn to loyalty to the State and shall steadfastly observe the Liechtenstein legal order. They shall dedicate themselves fully to service, perform the duties of their office conscientiously, impartially, and disinterestedly, and they shall carry out the matters pending with the Office of the Public Prosecutor as quickly as possible.

2) The prosecutors shall be required to participate in the training of candidate prosecutors and judges and of trainee prosecutors. When instructed by the Prosecutor General, they shall participate especially in the preparation of opinions concerning legislative consultations or in working groups concerning the area of responsibility of the Office of the Public Prosecutor.

3) Both on and off duty, the prosecutors shall conduct themselves irreproachably and shall refrain from doing anything which might diminish trust in the prosecutorial function.

### Article 37

#### *Obligation to comply with instructions*

Prosecutors shall be required to comply with instructions in accordance with articles 8 and 9.

### Article 38

#### *Obligation of secrecy*

1) The prosecutors shall be obliged to secrecy regarding all facts coming to their knowledge exclusively through their official activity vis-à-vis everyone to whom they do not owe the duty of official notification regarding such facts.

2) The obligation of secrecy shall persist off duty and in retirement as well as after the end of service.



3) When off duty, the prosecutors may not express their views regarding the criminal cases for which they are responsible.

### Article 39

#### *Release from the obligation of secrecy*

1) If prosecutors must testify before a court or administrative authority, they shall notify the authority responsible for administrative supervision and communicate the subject matter of the requested statement to that authority.

2) If the interest in the statement outweighs the interest in secrecy, the prosecutors may be released from the obligation of secrecy.

3) The following shall be responsible for releasing prosecutors from the obligation of secrecy:

- a) in the case of the Prosecutor General, the Government;
- b) in the case of other prosecutors, the Prosecutor General.

### Article 40

#### *Prohibition of the acceptance of gifts*

Prosecutors shall be prohibited from accepting gifts or other advantages offered to them or their relatives directly or indirectly in relation to the discharge of their office. They shall likewise be prohibited from soliciting gifts or other advantages in relation to the discharge of their office or from having such gifts or advantages promised to them.

### Article 41

#### *Excluded activities*

1) Outside their service, prosecutors may not carry out any activities which might adversely affect the reputation or independence of their office or which might interfere with the performance of their official duties or which might endanger other essential interests relating to service.

2) Prosecutors may not belong to Parliament or the Government, nor may they perform the office of a mayor or member of a municipal council of a Liechtenstein municipality.

3) Prosecutors may not work as lawyers, patent lawyers, professional trustees, or asset managers.

4) Unless otherwise provided by law, there shall be no restrictions on membership in commissions and advisory councils appointed by Parliament or the Government.

#### Article 42

##### *Secondary employment of prosecutors*

1) Employment pursued by prosecutors outside their service and outside activities referred to in article 41, paragraph 4 shall be considered secondary employment.

2) The assumption, type, and scope of secondary employment shall be subject to approval by the authority responsible for administrative supervision.

3) The competent authority may prohibit secondary employment of prosecutors where it interferes with the performance of official duties.

#### Article 43

##### *Salary and remuneration*

The financial claims of prosecutors arising from their service shall be governed by the Salary Act.

#### Article 44

##### *Service-related expenses*

Reimbursement for service-related expenses shall be governed by the corresponding provisions for public employees.

## Article 45

### *Holidays*

1) In each calendar year, the holiday entitlement of prosecutors shall be:

- a) 23 working days until the year in which the prosecutor turns 39;
- b) 25 working days from the year in which the prosecutor turns 40;
- c) 28 working days from the year in which the prosecutor turns 50;
- d) 30 working days from the year in which the prosecutor turns 60.

2) Taking account of the wishes of the prosecutors, the Prosecutor General shall schedule holidays so that operations are not adversely affected.

## Article 46

### *Leave and off-duty days*

1) Granting of paid and unpaid leave for prosecutors as well as rules applicable to off-duty days shall be governed by the provisions of the Public Employees Act and the associated implementing ordinances.

2) On written request, the Prosecutor General may grant a prosecutor up to 20 working days of unpaid leave per calendar year.

3) Unpaid leave of 21 or more working days per calendar year shall require approval by the Government.

## Article 47

### *Data protection*

The provisions of the Public Employees Act shall apply *mutatis mutandis* to data protection, especially the processing and disclosure of the personal data of prosecutors.

## E. Change of assignment

### Article 48

#### *Temporary secondment*

With their consent and with approval of the Prosecutor General, prosecutors may temporarily be assigned by the Government to a ministry or an administrative office of the National Public Administration to take care of administrative duties.

## F. End of service

### Article 49

#### *Basic principle*

1) Subject to article 50 of this Act, the following provisions of the Judicial Service Act shall apply *mutatis mutandis* to the end of service of prosecutors, with the proviso that the powers of the presidents of courts shall be exercised by the Prosecutor General in the case of prosecutors and by the Government in the case of the Prosecutor General: articles 32, paragraph 1 (end of service), 33 (resignation), 34 (age limit), 35 (removal from service), 36 (temporary removal), 37, paragraph 2 (service tribunal), and 38, paragraphs 1 and 2 (proceedings before the service tribunal).

2) The following shall serve as the service tribunal:

- a) the President of the Supreme Court for the Prosecutor General and the other prosecutors;
- b) as the appellate body, a service senate of the Supreme Court consisting of three judges of the Supreme Court with legal training.

### Article 50

#### *Termination*

1) The Government may terminate the service of a prosecutor on essential operational or economic grounds, especially if financial resources are cancelled. In this case, the position of the prosecutor shall be removed from the employment plan.

2) Before a termination pursuant to paragraph 1, the prosecutor concerned and the Prosecutor General shall be heard.

## G. Disciplinary law

### Article 51

#### *Basic principle*

1) The following articles of the Judicial Service Act shall apply *mutatis mutandis* to the disciplinary law governing prosecutors: articles 39 (imposition of disciplinary and administrative penalties), 40 (statute of limitation), 41 (administrative penalty), 42, paragraphs 1 to 4 (disciplinary penalties), 43, paragraphs 2 to 4 (disciplinary tribunal), 44 (investigating judge), 45 (exclusion and rejection of judicial persons), 46, paragraphs 1 and 2 (ruling imposing an administrative penalty), 47 (preliminary enquiries), 48 (disciplinary investigation), 49 (questioning and determination of facts), 50 (access to documents and further disciplinary investigations), 51 (closing and referral rulings), 52 (oral hearing), 53 (exclusion of the public and publication of findings), 54 (content and announcement of findings), 55, paragraphs 1 and 3 (appeal of the findings), 56 (decision on reimbursement of costs without oral hearing), 58 (closing of disciplinary proceedings due to death or resignation), 59 (suspension of disciplinary proceedings), 60, paragraphs 1 and 2 (cancellation of disciplinary penalty), 61 (suspension without oral hearing), 62 (cancellation of suspension), 63, paragraphs 1 and 3 (appeal of suspension ruling), 64 (resumption to the benefit of the judge), 65, paragraphs 1 and 2 (decision on application for resumption), 66 (effect of resumption), 67 (findings after resumption), 68 (replacement of lost salary), 69 (reinstatement), 70 (service of documents) and 71 (exemption from fees).

2) The following shall serve as the disciplinary tribunal:

- a) the President of the Supreme Court for the Prosecutor General and the other prosecutors;
- b) as the appellate body, a service senate of the Supreme Court consisting of three judges of the Supreme Court with legal training.

3) The findings of the disciplinary tribunal shall be notified to the Prosecutor General and to the Government once the judgment is final.

## IV. Transitional and final provisions

### Article 52

#### *Transitional provisions*

1) For service relationships existing at the time of entry into force of this Act, the new law shall apply, subject to paragraphs 2 and 3.

2) The disciplinary provisions of this Act shall apply to violations of duty committed before entry into force of this Act if the laws applicable at the time of the offence would not be more favourable to the prosecutor in their overall effect.

3) Prosecutors pursuing secondary employment at the time of entry into force of this Act may continue such employment if the conditions set out in article 41, paragraph 1 are met.

### Article 53

#### *Repeal of law hitherto in force*

The Princely Ordinance of 19 May 1914 issuing an official instruction for the Office of the Public Prosecutor at the Court of Justice in Vaduz appointed pursuant to the simultaneously promulgated Law on the Introduction of a New Code of Criminal Procedure, LGBL. 1914 No. 4, is hereby repealed.

## Article 54

*Entry into force*

Subject to expiration of the referendum period without a referendum being called, this Act shall enter into force on 1 February 2011, otherwise on the day of its promulgation.

Representing the Reigning Prince:

signed *Alois*

Hereditary Prince

signed *Dr. Klaus Tschütscher*

Prime Minister

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**Law**

of 24 November 2006

**against Market Abuse in the Trading of  
Financial Instruments  
(Market Abuse Act; MAA)**

I hereby grant My consent to the following resolution adopted by Parliament:

**I. General provisions**

## Article 1

*Purpose*

1) This Act serves to combat insider dealing and market manipulation (market abuse), with the purpose of safeguarding the integrity of the financial markets and public confidence in financial instruments.

2) It also serves to implement:

- a) Directive 2003/6/EC of the European Parliament and of the Council of 28 January 2003 on insider dealing and market manipulation (market abuse) (EEA Compendium of Laws: Annex IX - 29a.01);
- b) Commission Directive 2003/124/EC of 22 December 2003 implementing Directive 2003/6/EC of the European Parliament and of the Council as regards the definition and public disclosure of inside information and the definition of market manipulation (EEA Compendium of Laws: Annex IX - 29ab.01);
- c) Commission Directive 2003/125/EC of 22 December 2003 implementing Directive 2003/6/EC of the European Parliament and



of the Council as regards the fair presentation of investment recommendations and the disclosure of conflicts of interest (EEA Compendium of Laws: Annex IX - 29ac.01); and

- d) Commission Directive 2004/72/EC of 29 April 2004 implementing Directive 2003/6/EC of the European Parliament and of the Council as regards accepted market practices, the definition of inside information in relation to derivatives on commodities, the drawing up of lists of insiders, the notification of managers' transactions and the notification of suspicious transactions (EEA Compendium of Laws: Annex IX - 29f.01).

## Article 2

### *Scope*

1) Irrespective of whether or not the transaction actually takes place on one of the following markets, this Act shall apply to market and off-market trading of any financial instrument:

- a) traded on a supervised market; or  
b) for which a request for admission to trading on a supervised market has been made.<sup>1</sup>

1a) Articles 4, 5, 8 and 15 shall be applicable only to transactions with financial instruments admitted to trading on a regulated market in at least one Member State or for which a request for admission to trading on a regulated market has been made in at least one Member State.<sup>2</sup>

2) The prohibition of insider dealing (article 23) shall also apply to any financial instrument not admitted to trading on a supervised market, but whose value depends on a financial instrument as referred to in paragraph 1.<sup>3</sup>

3) This Act shall apply to acts and omissions that are carried out or committed in Liechtenstein.

4) This Act shall not apply to transactions carried out in pursuit of monetary, exchange-rate or public debt-management policy by a Member State, by the European System of Central Banks, by a national

<sup>1</sup> Article 2, paragraph 1 amended by LGBl. 2008 No. 225.

<sup>2</sup> Article 2, paragraph 1a inserted by LGBl. 2008 No. 225.

<sup>3</sup> Article 2, paragraph 2 amended by LGBl. 2008 No. 225.

central bank or by any other officially designated body, or by any person acting on their behalf.

### Article 3

#### *Definitions; terminology*

1) For the purposes of this Act, the following terms shall have the following meanings:

- a) "financial instruments":
1. transferable securities as defined in Annex 2, Section C, Point 1 of the Banking Act;<sup>1</sup>
  2. units in undertakings for collective investment in transferable securities;
  3. money-market instruments;
  4. financial-futures contracts, including equivalent cash-settled instruments;
  5. forward interest-rate agreements;
  6. interest-rate, currency and equity swaps;
  7. options to acquire or dispose of any instrument falling within the scope of points 1 to 6, including equivalent cash-settled instruments; this category includes in particular options on currency and on interest rates;
  8. derivatives on commodities; and
  9. any other instrument traded on a supervised market or for which a request for admission to trading on such a market has been made;<sup>2</sup>
- b) "regulated market": a multilateral system operated and/or managed by a market operator, which:<sup>3</sup>
1. brings together or facilitates the bringing together of multiple third-party buying and selling interests – in the system and in accordance with its non-discretionary rules – in a way that results in a contract, in respect of the financial instruments admitted to trading under its rules and/or systems;<sup>4</sup>

<sup>1</sup> Article 3, paragraph 1(a)(1) amended by LGBl. 2008 No. 225.

<sup>2</sup> Article 3, paragraph 1(a)(9) amended by LGBl. 2008 No. 225.

<sup>3</sup> Article 3, paragraph 1(b), introductory sentence amended by LGBl. 2008 No. 225.

<sup>4</sup> Article 3, paragraph 1(b)(1) amended by LGBl. 2008 No. 225.

2. is authorised; and<sup>1</sup>
  3. functions regularly and in accordance with the provision of article 30s of the Banking Act;<sup>2</sup>
- c) "person": a natural or legal person, a company, a trust, or other collective or asset entity;
- d) "competent authority":
1. in the European Economic Area: the competent authority designated by the Member States in accordance with article 11 of Directive 2003/6/EC;
  2. in third States: the authority competent for combating market abuse;
- e) "person discharging managerial responsibilities within an issuer": a person who:
1. is a member of an administrative, management, or supervisory body of the issuer; or
  2. in a managerial position, though not a member of any of the bodies referred to in point 1, regularly has access to inside information with a direct or indirect connection to the issuer and who is authorised to make decisions for the undertaking with respect to future developments and business perspectives of this issuer;
- f) "person closely associated with a person discharging managerial responsibilities within an issuer of financial instruments":
1. the spouse of the person discharging these managerial responsibilities or another life companion who is deemed equivalent to a spouse under the law of an individual State;
  2. a child of the person discharging these managerial responsibilities who is deemed dependent under the law of an individual State;
  3. any other family member of the person discharging these managerial responsibilities who has lived with the person for at least one year prior to the transaction concerned; or
  4. a legal person, fiduciary institution or partnership whose managerial responsibilities are discharged by a person under (e) or points 1 to 3, which is directly or indirectly controlled by such person, which was established for the benefit of such person, or

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<sup>1</sup> Article 3, paragraph 1(b)(2) amended by LGBl. 2008 No. 225.

<sup>2</sup> Article 3, paragraph 1(b)(3) amended by LGBl. 2011 No. 246.

whose economic interests largely correspond to those of such person;

- g) "persons who deal in financial instruments on a professional basis": in particular, investment firms and credit institutions;
- h) "investment firm": an investment firm as defined in the Banking Act, an asset management company as defined in the Asset Management Act, or another legal person as referred to article 4(1) of Directive 2004/39/EC;<sup>1</sup>
- i) "credit institution": a bank as defined in the Banking Act or an undertaking as referred to in article 4(1) of Directive 2006/48/EC of the European Parliament and of the Council of 14 June 2006 relating to the taking up and pursuit of the business of credit institutions;<sup>2</sup>
- k) "Member State": a Contracting Party to the Agreement on the European Economic Area;
- l) "inside information": information of a precise nature which has not been made public, relating, directly or indirectly, to one or more issuers of financial instruments or to one or more financial instruments and which, if it were made public, would be likely to have a significant effect on the prices of those financial instruments or on the price of related derivative financial instruments; such an effect is likely if a knowledgeable investor would probably take the information into account as part of his investment decisions. The following shall apply:
  - 1. Information shall be considered precise if it encompasses a series of already existing facts and events or facts and events of which it can be assumed with sufficient probability that they will occur in the future, and moreover if such information is sufficiently determinate that it allows conclusions to be drawn on the possible effect of such facts or events on the prices of financial instruments or on the price of related derivative financial instruments.
  - 2. In relation to derivatives on commodities, inside information shall mean information of a precise nature which has not been made public, relating, directly or indirectly, to one or more such derivatives and which users of markets on which such derivatives are traded would expect to receive in accordance with accepted market practices on those markets. This is information that is regularly made available to the participants on such markets or

<sup>1</sup> Article 3, paragraph 1(h) amended by LGBl. 2007 No. 274.

<sup>2</sup> Article 3, paragraph 1(i) amended by LGBl. 2007 No. 274.

must be publicly disclosed pursuant to legal or administrative provisions, trading rules, contracts, or rules that are usual on the market on which the derivatives on commodities are traded or that are usual on the underlying commodities exchange.

3. For persons charged with the execution of orders concerning financial instruments, inside information shall also mean information under points 1 and 2 conveyed by a client and related to the client's pending orders.
- m) "supervised market": a market on which financial instruments are traded and which is supervised by authorities recognised by public bodies, operates regularly, and is accessible directly or indirectly to the public.<sup>1</sup>
- 2) The definitions of terms set out in Directive 2003/6/EC and the implementing enactments issued herewith shall apply on a supplemental basis.
  - 3) The terms designating persons and functions in this Act shall apply to both female and male genders.

## II. Reporting obligations

### A. Reporting and disclosure of transactions

#### Article 4

##### *Reporting and disclosure obligations*

- 1) Persons discharging managerial responsibilities within an issuer of financial instruments with its registered office in Liechtenstein and, if applicable, persons closely associated with them shall be required to:
  - a) report to the FMA all trades concluded for their own account in equities of the issuers or financial instruments related to such equities, in particular derivatives; and
  - b) to disclose the content of a report under (a) as soon as possible on the website of the issuer or via the FMA.
- 2) The report to the FMA must be made within five business days of the day the trade was executed, but may be prolonged until the total

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<sup>1</sup> Article 3, paragraph 1(m) inserted by LGBl. 2008 No. 225.

volume of the trade executed in accordance with paragraph 1 reaches the amount of 7,500 francs. Should this amount not yet be reached by the end of the calendar year, the report may be omitted.

3) When determining the total amount of trades executed, such trades in accordance with paragraph 1 placed by persons discharging managerial responsibilities within an issuer of financial instruments with its registered office in Liechtenstein and by persons closely associated with them shall be added.

4) The Government shall provide further details, in particular regarding the form of the disclosure under paragraph 1(b), by way of an ordinance.

#### Article 5

##### *Content of the report*

The report under paragraph 4 must contain the following information:

- a) the name of the person discharging managerial responsibilities within an issuer of financial instruments, or the name of the person closely associated with such a person;
- b) the reason for the reporting obligation;
- c) the name of the respective issuer;
- d) the description of the financial instrument;
- e) the type of trade (e.g. sell or buy);
- f) the closing date and the place of execution of trade; and
- g) the price and volume of trade.

## **B. Reporting of suspicious cases**

#### Article 6

##### *Obligation to report to the FIU and prohibition to disclose information*

1) Persons with their registered office or a branch in Liechtenstein that carry out transactions with financial instruments on a professional basis shall report to the Financial Intelligence Unit (FIU) immediately if

they have the suspicion that a transaction using financial instruments might constitute market abuse.

2) Persons who file a report with the FIU shall, until receipt of a decree by the competent prosecution authority, but at the longest until the expiry of twenty business days after receipt of the report by the FIU, be prohibited from informing other persons, in particular, not the persons on whose behalf a transaction has been executed or persons closely associated with such persons, unless this is done pursuant to a legal provision. There shall be no right to compensation for damages should a report not be filed if a person has acted in good faith.

3) The FIU shall forward a report under paragraph 1 to the FMA if a well-founded suspicion exists that a transaction might constitute market abuse.

4) The FMA shall immediately communicate suspicious transactions reported to it by the FIU to the authorities of other States responsible for the supervised markets concerned. With respect to client-related information, this shall be without prejudice to the provisions on administrative assistance.<sup>1</sup>

5) The FIU and the FMA shall be prohibited from informing other persons, in particular the persons on whose behalf a transaction has been executed, of the name of the person who reported these transactions. This shall be without prejudice to forwarding the name in the context of preliminary criminal proceedings.

6) Anyone who files a report under paragraph 1 with the FIU, with respect to which it turns out that it was not justified, shall be exempt from any civil or criminal liability, unless he has acted wilfully.

7) The Government may provide further details by ordinance.

8) The FMA may issue guidelines specifying fact patterns that might constitute indicators of market abuse.

#### Article 7

##### *Content and form of the report*

1) The persons subject to the reporting obligation shall transmit the following information to the FIU:

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<sup>1</sup> Article 6, paragraph 4 amended by LGBl. 2008 No. 225.

- a) a description of the transactions including the type of order (e.g. limit order, market order, or other execution attributes) and type of trading (e.g. block trade);
- b) the grounds for the suspected market abuse;
- c) information for identifying persons on whose behalf transactions have been executed as well as any other persons involved in such transactions;
- d) the function of the persons subject to the reporting obligation (e.g. in own name or for the account of a third party); and
- e) any other information that could be of relevance for the evaluation of suspicious transactions.

2) Should the information not be available at the time the report is made, then at least the reasons must be stated that have led the person filing the report to suspect market abuse. Any other information must be communicated to the FIU as soon as it is available.

3) The report may be submitted by regular mail or electronically, by fax or by telephone; in the case of a report by telephone, a written confirmation must be submitted afterwards.

### III. Analysis of financial instruments

#### Article 8

##### *Obligations when preparing financial analyses*

1) Persons who, as part of their professional or business activities, prepare information on financial instruments or their issuers that directly or indirectly contains a recommendation on a particular investment decision and that is to be made available to an indeterminate circle of persons (financial analysis) shall ensure that the information is presented appropriately and that any interests or conflicts of interest in connection with the financial instruments to which the information relates are disclosed.

2) An appropriate presentation of the information shall entail in particular that information concerning facts and value judgments of third parties (e.g. interpretations or estimates) and own value judgments (e.g. projections, predictions, and price targets) are carefully distinguished from each other and indicated. The essential foundations and measures of own value judgments shall be provided.



3) With the participation of the persons concerned, the FMA shall issue a guideline on the preparation of financial analyses, in particular:

- a) further details on the appropriate preparation and presentation of a financial analysis and its circulation;
- b) the circumstances or relationships that may give rise to conflicts of interest, and the disclosure thereof.

## IV. Organisation and execution

### A. Supervision

#### Article 9

##### *Competent authority*

Without prejudice to the competence of the courts, the prosecution authorities, and the Financial Intelligence Unit (FIU), the FMA shall monitor execution of this Act and the ordinances issued in connection herewith.

#### Article 10

##### *Powers*

1) In the framework of its responsibilities relating to execution of this Act, the FMA shall in particular have the right to:

- a) have access to any document in any form whatsoever, and to receive a copy of it;
- b) demand information from any person, including those who are successively involved in the transmission of orders or conduct of the operations concerned, as well as their principals, and if necessary, to summon and hear any such person;
- c) carry out on-site enquiries;
- d) require existing telephone and existing data traffic records;
- e) require the cessation of any practice that is contrary to this Act;
- f) temporarily suspend trading of the financial instruments concerned;

g) request the Office of the Public Prosecutor to apply for measures to secure deprivation of enrichment or forfeiture of assets in accordance with the Code of Civil Procedure.

2) For the duration of the proceedings relating to market abuse, the FMA may request any entity authorised accordingly by special legislation to impose a temporary ban on exercising a profession, or if the FMA is competent to do so, it may impose such a ban itself, if:

- a) the accused is strongly suspected of having committed an offence;
- b) the exercise of this profession is related to the offence that is the object of the proceedings; and
- c) the danger exists that the accused might repeat the offence.

3) Requirements concerning professional secrecy pursuant to other laws shall not be affected by paragraph 1, to the extent that such provisions release the person from the obligation to give testimony in court.

4) The FMA may publicly announce legally binding measures or sanctions pursuant to this Act on its website, to the extent that doing so is useful and necessary for remedying or preventing grievances under this Act, unless such a publication would substantially endanger the financial markets or lead to disproportionate damage to those involved.

5) The FMA may only process personal data for purposes of fulfilling its supervisory responsibilities and for purposes of administrative assistance in accordance with articles 12 to 18.

#### Article 11

##### *Obligation of secrecy*

1) The staff of the FMA and the persons mandated by the FMA may not, without authorisation, disclose or utilise the facts that have become known to them in the course of their activities, especially business and trade secrets and personal data, even if they are no longer employed by the FMA or have terminated their activities.

2) The following acts shall not be considered unauthorised disclosure or utilisation within the meaning of paragraph 1:

- a) forwarding facts to the Office of the Public Prosecutor or the Court of Justice pursuant to a legal requirement;

- b) forwarding facts to the competent institutions of the Member States or of third States within the framework of cooperation under articles 13 to 18; or
- c) publicly announcing facts within the framework of article 10, paragraph 4.

## **B. Administrative assistance**

### **1. Cooperation with other Liechtenstein authorities**

#### Article 12

##### *Principle*

In the framework of supervision, the FMA shall work together with other Liechtenstein authorities to the extent necessary for combating market abuse.

### **2. Cooperation with competent authorities of other Member States**

#### Article 13

##### *Principle*

1) The FMA shall work together with the competent authorities of other Member States to the extent necessary for combating market abuse.

2) The FMA shall render administrative assistance to the competent authorities of other Member States and may in return request administrative assistance.

3) The FMA shall notify the competent authorities of other Member States of infringements (article 15), exchange information with them (article 16), and work together with them with respect to on-site enquiries (article 17).

4) These provisions are without prejudice to further provisions on international cooperation concerning the FMA contained in other laws and the provisions of the Mutual Legal Assistance Act.

## Article 14

*Refusal to cooperate*

1) If a request by the FMA under article 16 or 17 is not acted upon within a reasonable time or if the request is rejected without sufficient justification, the FMA may bring that non-compliance to the attention of the Committee of European Securities Regulators.

2) The FMA may only refuse to act on a request by the competent authority of another Member State under article 16 or 17 if:

- a) the request might adversely affect the sovereignty, security or public order of Liechtenstein;
- b) proceedings have already been initiated in respect of the same facts against the affected persons before a Liechtenstein court; or
- c) a final judgment has already been delivered by a Liechtenstein court in respect of the same facts against the affected persons.

3) If the FMA rejects a request under article 16 or 17 pursuant to paragraph 2, it shall notify the requesting competent authority immediately and explain the reasons. In the case of refusal under paragraph 2(b) or (c), precise information concerning the judicial proceedings or the final judgment shall be transmitted.

## Article 15

*Communication of infringements*

1) If the FMA has a well-founded reason to suspect that acts contrary to Directive 2003/6/EC are being or have been carried out on the territory of another Member State, it shall communicate this to the competent authority of the other Member State as precisely as possible.

2) If the FMA receives a corresponding communication from the competent authority of another Member State, it shall take appropriate measures. The FMA shall inform the notifying authority of the outcome.

## Article 16

*Exchange of information*

1) The FMA may request the competent authorities of other Member States to transmit all information that is necessary for fulfilment of its responsibilities under this Act.

2) Subject to article 14, the FMA shall transmit all information to the competent authorities of the other Member States upon their request that is necessary to combat market abuse. If the FMA is unable to supply the requested information immediately, it shall communicate the reasons to the requesting competent authority.

3) The information transmitted to the FMA by the competent authorities of other Member States shall be subject to the obligation of secrecy under article 11.

4) Without prejudice to its obligations in the context of pending criminal proceedings, the FMA may use the information received from the competent authorities of other Member States only for purposes of combating market abuse and in administrative and judicial proceedings specifically related to the exercise of those functions. However, where the competent authority communicating information consents thereto, the FMA may use it for other purposes relating to financial market supervision or forward it to other States' competent authorities for the same purposes. This shall apply *mutatis mutandis* to the information communicated by the FMA to the competent authorities of other Member States; the consent of the FMA shall be granted in the form of a decree.

5) The Government may provide further details by ordinance.

#### Article 17

##### *On-site enquiries*

1) The FMA may request that enquiries be carried out by the competent authority of another Member State on the latter's territory. It may further request that members of its own personnel be allowed to accompany the personnel of the competent authority of that other Member State during the course of the enquiries.

2) Subject to article 14, the FMA shall comply with requests by the competent authorities of other Member States within the meaning of paragraph 1.

3) The enquiries shall be fully subject to the control of the Member State on whose territory it is conducted.

4) The Government may provide further details by ordinance.

### 3. Cooperation with competent authorities of third States

#### Article 18

##### *Exchange of information with third States*

1) The FMA may request the competent authorities of third States to transmit all information that is necessary for fulfilment of its responsibilities under this Act.

2) The FMA may transmit information to the competent authorities of third States on their request if:

- a) the information is necessary for purposes of combating market abuse; and
- b) the employed and mandated persons of the competent authority of the third State are subject to an obligation of secrecy equivalent to article 11, without prejudice to provisions concerning public proceedings and information provided to the public with respect to such proceedings.

3) The FMA may refuse to act on a request under paragraph 2 if:

- a) the request might adversely affect the sovereignty, security or public order of Liechtenstein;
- b) proceedings have already been initiated in respect of the same facts against the affected persons before a Liechtenstein court; or
- c) a final judgment has already been delivered by a Liechtenstein court in respect of the same facts against the affected persons.

4) If the FMA is unable to supply the requested information, it shall communicate the reasons to the requesting competent authority.

5) The information transmitted to the FMA by the competent authorities of third States shall be subject to the obligation of secrecy under article 11.

6) Without prejudice to its obligations in the context of pending criminal proceedings, the FMA may only use the information received from the competent authorities of third States for purposes of combating market abuse and in administrative and judicial proceedings specifically related to the exercise of those functions. However, where the competent authority communicating information consents thereto, the FMA may use it for other purposes relating to financial market supervision or forward it to other States' competent authorities for the same purposes. This shall apply *mutatis mutandis* to the information communicated by the FMA to the

competent authorities of third States; the consent of the FMA shall be granted in the form of a decree.

7) These provisions are without prejudice to further provisions on international cooperation concerning the FMA contained in other laws and the provisions of the Mutual Legal Assistance Act.

8) The Government may provide further details by ordinance.

### **C. Publication of statistics**

#### Article 19

##### *Principle*

Public institutions publishing statistics liable to have a significant effect on financial markets shall publish them in a fair and transparent way. In particular, it must be ensured that publication cannot generate any information advantages for third parties.

### **V. Legal remedies and procedures**

#### *Legal remedies*

#### Article 20

##### *a) in general*

1) Decisions and decrees of the FMA may be appealed within 14 days of service to the FMA Complaints Commission, subject to article 21.

2) Decisions and decrees of the FMA Complaints Commission may be appealed within 14 days of service to the Administrative Court.

#### Art. 21

##### *b) in the context of administrative assistance*

1) Decisions and decrees issued by the FMA in the context of administrative assistance granted to Member States or third States may be appealed to the Administrative Court within 14 days of service.

2) In the context of administrative assistance, appeals must be lodged exclusively by way of the transmission procedure.

3) The appeal proceedings pursuant to paragraph 1 shall be conducted rapidly.

4) Repealed<sup>1</sup>

#### Article 22

##### *Proceedings*

Unless otherwise provided by this Act, the National Public Administration Act shall apply to the proceedings.

## **VI. Penalties and special provisions for criminal proceedings**

### **A. Penalties**

#### Article 23

##### *Abuse of inside information (insider dealing)*

1) The Court of Justice shall punish with imprisonment of up to three years, however in case the economic advantage acquired through the offence exceeds 75,000 francs with imprisonment of six months to up to five years, anyone who as an insider uses inside information with the intent to obtain an economic advantage for himself or a third party by:

- a) purchasing or selling thereby affected financial instruments or by offering or recommending such financial instruments to a third party for purchase or sale; or
- b) making such information available to a third party without being obliged to do so.

2) Anyone who is not an insider and who uses inside information that was disclosed to him or that he otherwise gained knowledge of with the intent to obtain an economic advantage for himself or a third party in a way described in paragraph 1 shall be punished by the Court of Justice

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<sup>1</sup> Article 21, paragraph 4 repealed by LGBL 2009 No. 128.



with imprisonment of up to one year or a monetary penalty of up to 360 daily rates, however in case the economic advantage acquired through the offence exceeds 75,000 francs with imprisonment of up to three years.

3) Anyone who is an insider or not an insider and who uses information, of which he knows or grossly negligently does not know that it is inside information, in a way described in paragraph 1 but without the intent to obtain an economic advantage for himself or a third party, shall be punished by the Court of Justice with imprisonment of up to six months or a monetary penalty of up to 360 daily rates.

4) Insider shall mean a person who by virtue of his membership of the administrative, management or supervisory bodies of the issuer or otherwise due to his profession, occupation, his responsibilities or his interest in the capital of the issuer has access to inside information. Insider shall further mean a person who has obtained the information by committing offences. In case the person is a legal person, any natural person who takes part in the decision to execute the transaction on the account of the legal person shall be considered an insider.

5) Paragraphs 1 to 3 shall not apply to:

- a) transactions that are carried out to fulfil an obligation that has become due to purchase or sell financial instruments, if such obligation is pursuant to an agreement concluded before the person concerned received the inside information;
- b) dealing in own shares (purchase and sale) in the context of repurchase programs and price stabilisation measures for a financial instrument, if such transactions are conducted in compliance with Commission Regulation (EC) No. 2273/2003 of 22 December 2003 implementing Directive 2003/6/EC of the European Parliament and of the Council (EEA Compendium of Laws: Annex IX – 29aa.01).

#### Article 24

##### *Market manipulation*

1) The Court of Justice shall punish with a fine of up to 50,000 francs, or in the event the fine cannot be collected with imprisonment of up to six months, anyone who:

- a) performs transactions, buy orders, or sell orders which:
  1. send or could send false or misleading signals regarding the supply of, demand of, or the price of financial instruments, or

2. influence or have the capacity to influence the price of one or several financial instruments placed by one person or several persons acting in collaboration in the intent to drive up prices to an abnormal or artificial level;
- b) performs trades or places buy or sell orders under false pretences or by any other deceitful actions; or
- c) disseminates information via the media including the Internet or through other channels that send or could send false or misleading signals with respect to the financial instruments, among other things, by disseminating rumours and false or misleading news if the person who disseminated this information knew or should have known that the information was false or misleading. Journalists who disseminate such information in the line of duty shall be judged by the standards applicable to their profession unless these persons gain an advantage or a pecuniary benefit directly or indirectly from the dissemination of the respective information.

2) Paragraph 1(a) shall not apply if the action conforms to accepted market practices in the supervised market concerned or with respect to the off-market trade concerned and the person has legitimate reasons for the action. Accepted market practices are only such practices that one may reasonably expect to find on one or more financial markets and are recognised by the FMA as such. A market practice, especially a new or emerging market practice, shall not be considered unacceptable on the grounds that it was not expressly accepted previously.<sup>1</sup>

3) Paragraph 1 shall not apply to dealing in own shares (purchase and sale) in the context of repurchase programs and price stabilisation measures for a financial instrument, if such transactions are conducted in compliance with Commission Regulation (EC) No. 2273/2003.

4) The Government shall provide further details by ordinance, especially concerning:

- a) the circumstances to be taken into account when judging transactions or buy and sell orders as market manipulation;
- b) the consultation procedure and the announcement of the decision concerning acceptance of a market practice and the factors to be taken into account when judging a market practice.

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<sup>1</sup> Article 24, paragraph 2 amended by LGBl. 2008 No. 225.

## Article 25

*Violation of the obligation of secrecy*

Anyone who, without authorisation, discloses or utilises facts, especially business and trade secrets and personal data, in violation of article 11 shall be punished by the Court of Justice with imprisonment of up to six months or a monetary penalty of up to 360 daily rates.

## Article 26

*Administrative infractions*

The FMA shall punish with a fine of up to 30,000 francs for committing an administrative infraction anyone who:

- a) in violation of articles 4 and 5, fails to make or make up for a report or disclosure or makes such a report or disclosure incorrectly, incompletely, or late;
- b) in violation of article 6, paragraph 1, and article 7, fails to submit a suspicious transaction report or submits such a report incorrectly, incompletely, or late;
- c) in violation of article 6, paragraph 2, informs another person of the suspicious transaction report submitted under article 6, paragraph 1;
- d) in violation of article 8, paragraphs 1 and 2, fails to present a financial analysis appropriately or fails to disclose conflicts of interest; or
- e) violates a measure ordered by the FMA under article 10 or fails to comply with such a measure.

**B. Special provisions on criminal proceedings for market abuse**

## Article 27

*Principle*

1) Unless otherwise ordered in the following provisions, the provisions of the Code of Criminal Procedure (StPO) shall apply to criminal proceedings for market abuse.

2) The special rules for criminal proceedings for market abuse shall also apply to the proceedings for an offence with respect to which a suspicion of market abuse and a suspicion of an act of another kind subject to judicial penalty exist at the same time.

#### Article 28

##### *Cooperation in preliminary proceedings*

1) As soon as a particular person is suspected of an offence under article 23 or 24, the FMA shall file a complaint with the Office of the Public Prosecutor. The Office of the Public Prosecutor shall decide on the necessary enquiry measures.

2) The Office of the Public Prosecutor shall inform the FMA about the initiation of preliminary proceedings concerning offences under article 23 or 24. Employees of the FMA may be consulted as experts in the preliminary proceedings.

3) At all times, the FMA shall grant the Office of the Public Prosecutor and the Court of Justice access to files and shall provide all necessary information.

4) The FMA shall execute tasks assigned by the Office of the Public Prosecutor or the Court of Justice as rapidly as possible, and it shall immediately inform the Office of the Public Prosecutor or the Court of Justice of any obstacles encountered.

5) The Office of the Public Prosecutor and the Court of Justice shall, upon request, grant the FMA access to files, unless interests worthy of protection of the affected person stand in the way, or the success of the enquiries would be endangered.

## **VII. Final provisions**

#### Article 29

##### *Advisory committee*

Prior to significant amendments to this Act, the Government shall appoint and consult an advisory committee to safeguard the interests of the affected market participants.

## Article 30

*Implementing ordinances*

The Government shall issue the ordinances necessary to implement this Act.

## Article 31

*Entry into force*

This Act shall enter into force on 1 February 2007, provided that the referendum deadline passes without a referendum being called, and otherwise on the day of its promulgation.

Representing the Reigning Prince:

signed *Alois*

Hereditary Prince

signed *Otmar Hasler*

Prime Minister

## **Transitional provisions**

### **954.3 Law against Market Abuse in the Trading of Financial Instruments (Market Abuse Act; MAA)**

**Liechtenstein Law Gazette**

Year 2008

No. 225

published on 26 August 2008

**Law**  
of 26 June 2008  
**amending the Market Abuse Act**

...

**II.****Transitional provision**

The new law shall apply to administrative assistance proceedings pending at the time of entry into force<sup>1</sup> of this Act.

...

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<sup>1</sup> Entry into force: 26 August 2008.

**Law**

of 15 September 2000

**on International Mutual Legal Assistance in  
Criminal Matters (Mutual Legal Assistance Act,  
RHG)**

I hereby grant my consent to the following Resolution adopted by Parliament:

**I. General Provisions**

Article 1

*Priority of International Agreements*

The provisions of this Act shall apply unless otherwise provided for in international agreements.

Article 2

*General Reservation*

A foreign request for legal assistance may only be complied with provided that it does not violate public order or other essential interests of the Principality of Liechtenstein.



## Article 3

*Mutuality*

1) A foreign request for legal assistance may only be complied with if it can be guaranteed that the State making the request would comply with an identical request made by Liechtenstein.

2) A Liechtenstein authority may not make a request in accordance with this Act if it could not comply with an identical request made by another State, unless the request is urgently required for particular reasons. In this case, the requested State shall be informed of the absence of mutuality.

3) If compliance with the principle of mutuality is doubtful, the Ministry of Justice shall be asked for advice.

4) Another State may be assured of mutuality in connection with a request made in accordance with this Act provided that there is no international agreement and that it would be permissible in accordance with this Act to comply with an identical request made by that State.

## Article 4

*Conditions*

Conditions established by another State with regard to the authorization of extradition, transit or handing over, provision of legal assistance or in connection with the assumption of prosecution, monitoring or enforcement, which were not rejected, must be complied with.

## Article 5

*Costs*

Costs incurred due to the authorization of extradition or handing over, provision of legal assistance or in connection with the assumption of prosecution, monitoring or domestic enforcement shall be borne by the Principality of Liechtenstein, provided that the principle of mutuality is complied with. For the fees of experts as well as the costs of transit incurred due to the provision of legal assistance, reimbursement is always to be asked for from the State making the request.

## Article 6

*Provisions on Import, Export and Transit*

The restrictions or prohibition of the import, export and transit of objects including goods and values set out in the provisions relating to customs, foreign currencies and monopolies or in the provisions relating to the movement of goods are no obstacle to the handing over, transit or delivery of objects which are permissible in accordance with the provisions of this Act.

## Article 7

*Travel Documents*

Persons who are transferred to or taken over by another State in accordance with the provisions of this Act do not need a travel document (passport or laissez-passer) or a visa in order to cross the border.

## Article 8

*Preventive Measures*

A preventive measure within the meaning of this Act is a measure linked with imprisonment which is pronounced in addition to or instead of a sentence based on a judgment as provided for in the criminal laws. If the duration of a measure yet to be enforced is indefinite, the legally permissible maximum sentence shall be assumed.

## Article 9

*Application of the Code of Criminal Procedure*

1) Unless otherwise provided for in this Act, the Code of Criminal Procedure (StPO) shall be applied *mutatis mutandis*.

2) §§ 31 to 34 and 301 to 308 of the Code of Criminal Procedure shall not be applied to extradition proceedings, and § 30, paragraphs 2 to 4 shall only be applied to extradition proceedings provided that the notification of the indictment is replaced by the time of proclamation made by the Judge of the Court of Justice (article 31, paragraph 2).<sup>1</sup>

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<sup>1</sup> Article 9, paragraph 2 amended by LGBl. 2007 No. 294.

2a) § 241, paragraph 4 of the Code of Criminal Procedure shall not apply.<sup>1</sup>

3) The Office of the Public Prosecutor may refrain from prosecuting a punishable act if the Liechtenstein criminal jurisdiction is only based on § 65, paragraph 1(2) of the Criminal Code (StGB) and no public interests are opposed to refraining from prosecution, and in particular if punishment is not required to counteract commission of punishable acts by other persons.

4) In the case that monitoring of a person convicted by a foreign court shall be assumed or the decision of a foreign court to be enforced, the Office of the Public Prosecutor may refrain from prosecuting the punishable act being the cause of the foreign conviction if it is to be assumed that the national court would not deliver a considerably more severe sentence or preventive measure than the one pronounced by the foreign court.

## **II. Extradition from Liechtenstein**

### **A. Permissibility of Extradition**

#### Article 10

##### *General Principle*

The extradition of a person to another State in order to prosecute an act subject to a judicial penalty or to enforce imprisonment imposed for such act or a preventive measure at the request of another State is permissible in accordance with this Act.

#### Article 11

##### *Punishable Acts Subject to Extradition*

1) Extradition for prosecution is permissible for acts committed wilfully which are sanctioned, under the law of the State making the request, with imprisonment of more than one year or with a preventive measure of the same

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<sup>1</sup> Article 9, paragraph 2a inserted by LGBl. 2009 No. 36.

duration, and, under Liechtenstein law, with imprisonment of more than one year. The assessment whether a punishable act provides reasonable cause for extradition may not be based on the sanctions as amended by § 6 of the Juvenile Court Act. It is irrelevant whether the application required for prosecution under Liechtenstein law or a corresponding permission has been provided.

2) Extradition for enforcement is permissible if imprisonment or the preventive measure has been pronounced due to one or more of the punishable acts mentioned in paragraph 1 and if at least four months' imprisonment are still to be enforced. Several sentences of imprisonment or any remaining periods of imprisonment to be enforced shall be added up.

3) If extradition is permissible in accordance with the provisions in paragraphs 1 or 2, extradition is also permissible in order to prosecute other punishable acts or to enforce other sentences of imprisonment or preventive measures if normally extradition were impermissible due to the extent of the sanction (paragraph 1) or the extent of the sentence or the measure (paragraph 2).

## Article 12

### *Extradition of Liechtenstein Citizens*

1) A Liechtenstein citizen may only be extradited to another State or surrendered for prosecution or enforcement of a sentence if he/she, after having been informed about the consequences of his/her statement, has given his/her explicit consent. This shall be laid down in the court record. The person may revoke his/her consent up to the time when the surrender has been ordered.

2) Paragraph 1 shall not apply to the transit and return of a Liechtenstein citizen who is provisionally surrendered to the Liechtenstein authorities by another State.

## Article 13

### *Priority of Extradition*

If extradition proceedings are pending against a foreigner or if there is reasonable cause for instituting such proceedings, it is impermissible to bring that person abroad based on other legal provisions.

## Article 14

*Punishable Acts of a Political Nature*

Extradition is impermissible

1. for political punishable acts,
2. for other punishable acts based on political motives or objectives, unless, after considering all circumstances of the individual case, in particular the type of perpetration, the means used or threatened to be used or the seriousness of the consequences produced or intended, the criminal character of the offense outweighs its political character.

## Article 15

*Military and Fiscal Punishable acts*

Extradition for punishable acts, which, under Liechtenstein law,

1. are of an exclusively military nature, or
2. are exclusively constituted by the violation of provisions relating to taxes, monopolies, customs or foreign currencies or provisions relating to the controlled movement of goods or to foreign trade,

is impermissible.

## Article 16

*Liechtenstein Jurisdiction*

1) Extradition for punishable acts subject to Liechtenstein jurisdiction is impermissible.

2) However, paragraph 1 is not an obstacle to extradition

1. if jurisdiction is only performed in representation of another State, or
2. if, taking into account the specific circumstances, in particular with regard to ascertaining the truth, assessment of sentence or enforcement as well as

better social reintegration, implementation of the criminal proceedings in the State making the request shall be preferred.

3) Extradition is also impermissible under the conditions mentioned in paragraph 2 if the person to be extradited has domestically been convicted or acquitted by a final judgment or if the relevant indictment has been dismissed for other reasons than those mentioned in article 9, paragraph 3. In the case of paragraph 2(2), extradition is furthermore impermissible if it is to be feared that the person to be extradited would, with regard to the overall consequences of the conviction in the other State, be considerably worse off than in the case of conviction under Liechtenstein law.

#### Article 17

##### *Jurisdiction of a Third State*

Extradition is impermissible if the person to be extradited has been

1. acquitted by the final judgment of a court in the State where the offense was committed or if the relevant indictment has been otherwise dismissed, or
2. convicted by the final judgment of a court in a third State and if the sentence has been fully enforced or if it has been revoked up to its full extent or up to the part not yet enforced or if its implementation has become time-barred under the law of the third State.

#### Article 18

##### *Statute of limitations*

Extradition is impermissible if prosecution or enforcement has become time-barred under the law of the State making the request or under Liechtenstein law.

#### Article 19

##### *Safeguarding of Constitutional Principles; Extradition Asylum*

Extradition is impermissible if it is to be feared that

1. the criminal proceedings in the State making the request will not meet or have not met the principles of articles 3 and 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms,

2. the sentence imposed or to be expected or the preventive measure would be enforced in a manner that does not meet the requirements of article 5 of the Convention for the Protection of Human Rights and Fundamental Freedoms, or
3. the person to be extradited would be subject to persecutions in the State making the request due to his/her origin, race, religion, affiliation to a certain ethnic or social group, nationality or political opinion or that he/she would have to expect other considerable disadvantages due to one of these reasons (extradition asylum).

#### Article 20

##### *Impermissible Sentences or Preventive Measures*

- 1) Extradition for prosecution of a punishable act sanctioned with the death penalty under the law of the State making the request is only permissible provided that it is guaranteed that the death penalty will not be pronounced.
- 2) Extradition for execution of the death penalty is impermissible.
- 3) The provisions set out in paragraph 1 and 2 are also applicable *mutatis mutandis* to sentences or preventive measures which do not comply with the requirements of article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms.

#### Article 21

##### *Persons not having Attained the Age of Criminal Responsibility*

Extradition of persons who had not, under Liechtenstein law or the law of the State making the request, attained the age of criminal responsibility at the time when the offense was committed is not permissible.

#### Article 22

##### *Cases of Hardship*

Extradition is impermissible if it were to affect the person to be extradited, in consideration of the seriousness of the punishable act he/she is charged with due to his/her adolescence (§ 2(2) of the Juvenile Court Act), due to his/her

long-time residence in Liechtenstein or due to other serious personal reasons, in an obviously disproportionate manner.

### Article 23

#### *Specialty of Extradition*

- 1) Extradition is only permissible if it is guaranteed that
1. the extradited person will not, in the State making the request, be prosecuted, punished, restricted in his/her personal freedom or extradited to a third State, due neither to an act committed before his/her surrender which is not subject to the permission of extradition nor exclusively due to one or more acts each of which is not subject to the extradition (article 11, paragraph 3),
  2. in the case that the legal assessment of the act underlying the extradition is altered or in the case that other provisions of criminal law than those applied originally are applied, the extradited person is only prosecuted and punished in so far as the extradition would also be permissible under the new circumstances.
- 2) Prosecution or the enforcement of imprisonment or a preventive measure may be consented to upon a request for enforcement of extradition provided that the extradition due to the act underlying the request would be permissible with regard to the State making the request, even if this was only in connection with a permission given in the past. Furthermore, the transfer to a third State may be consented to provided that extradition would be permissible with regard to that State.
- 3) Consent in accordance with paragraph 2 is not required if
1. the extradited person stays in the territory of the State making the request after his/her release for more than forty-five days even though he/she was able and entitled to leave the territory,



2. the extradited person leaves the territory of the State making the request and returns voluntarily or is legally brought back to its territory from a third State,
3. extradition has been enforced pursuant to article 32.

#### Article 24

##### *Requests for Extradition by Several States*

If two or more states request the extradition of one and the same person, priority of the requests for extradition shall be determined taking into account all circumstances, in particular treaty obligations, the place where the offense was committed, the time of receipt of the requests, the nationality of the person to be extradited, the possibility of transfer and, if the requests refer to different punishable acts, also the seriousness of the punishable acts.

#### Article 25

##### *Handing Over of Objects*

1) In connection with an extradition, it is also permissible to hand over objects which may be used as evidence or which were obtained by the person to be extradited through the punishable act or by realizing the objects originating from that act.

2) If an extradition permissible in accordance with the provisions of this Act cannot be consented to because the person to be extradited has fled or died or could not be seized in Liechtenstein, handing over of objects is still permissible based on the request for extradition or a separate request.

3) Handing over of objects to be used as evidence may be consented to with the reservation that the objects are returned immediately on request.

4) Handing over is in any event impermissible if it is to be feared that such handing over would obstruct or disproportionately impede the pursuit or realization of the rights of third parties.

**B. Competence and Proceedings**

Article 26

*Competence of the Court of Justice*

1) The Court of Justice is the court competent for examining a request for extradition or for imposing detention pending extradition as well as for preparing an offer of extradition.

2) If several persons are extradited for participating in the same punishable act or for punishable acts linked to each other, common extradition proceedings shall be held for all persons. This provision is subject to § 12 of the Juvenile Court Act.

3) The provisions set out in paragraphs 1 and 2 also apply to the handing over of objects in connection with an extradition.

Article 27

*Search*

1) Requests for imposition of detention pending extradition shall be examined by the Court of Justice in order to determine whether there is reasonable cause for the assumption that the underlying punishable act provides sufficient grounds for extradition. If this requirement is met, the search for the person wanted shall be arranged for and, if necessary, his/her custody to be ordered.

2) The Court of Justice may refrain from dealing with a request received by way of the International Criminal Police Organization - INTERPOL - or otherwise via mutual assistance of the international criminal police, if there is no reason to assume that the person wanted is in Liechtenstein and the request only gives rise to search measures which do not comprise a call to the population for support.

#### Article 28

##### *Offer of Extradition*

1) If there is reasonable cause to assume that a person apprehended in the State has committed an extraditable punishable act, the Office of the Public Prosecutor must examine if there are sufficient reasons for extradition. If this is the case, the Office of the Public Prosecutor, after questioning of the person to be extradited by the Judge of the Court of Justice, must apply for reporting to the Ministry of Justice with that Judge. The Ministry of Justice must ask the State in which the punishable act was committed whether it is going to request extradition. The Ministry of Justice may refrain from asking if it must be assumed that no such request will be made, or if it may be seen from the documents that extradition would have to be refused on one of the grounds set out in articles 2 and 3, paragraph 1. Refraining from questioning and the reason for this shall be notified to the Court of Justice. An appropriate period shall be determined for the receipt of the request for extradition. If a request for extradition is not received within the time limit, the Ministry of Justice must inform the Court.

2) In the case of the notification that questioning is refrained from in accordance with paragraph 1 or that a request for extradition was not received within the time limit, the Court of Justice must immediately release the person under detention pending extradition, unless the Office of the Public Prosecutor applies for immediate imposition of detention pending trial. Allowance shall be made for the time already served under detention pending extradition in the case of conviction by a national court in accordance with § 38 StGB.

#### Article 29

##### *Detention Pending Extradition*

1) Detention pending extradition may only be imposed if there is reasonable cause to assume that a person apprehended in the State has committed an extraditable punishable act. The provisions with regard to detention pending

trial shall be applied *mutatis mutandis* to the detention pending extradition, except as otherwise provided for in this Act.

2) Detention pending extradition may not be imposed or maintained if the purpose of detention could also be fulfilled by means of simultaneous legal detention pending trial or after trial. The Judge of the Court of Justice must order the changes from the enforcement of the detention pending trial or after trial which are essential for the purpose of the extradition proceedings. If the purpose of detention cannot be fulfilled by means of simultaneous detention after trial or if the extradition proceedings would be considerably impeded by the maintenance of the detention, the Judge of the Court of Justice must impose detention pending extradition; this is an interruption of the enforcement of the sentence. Allowance shall be made for the time of detention pending extradition already served with regard to detention after trial interrupted by the detention pending extradition.

3) Prior to the decision on the imposition of detention pending extradition, the person to be extradited shall be informed about the charges that are brought against him/her and that he/she is free to give evidence or to refuse to do so and to talk to a defence counsel before giving evidence. The person is also to be informed about his/her right to apply for public proceedings before the Court of Appeal.

4) The duration of the detention pending extradition must not exceed six months. The Judge of the Court of Justice may, however, on account of particular difficulties or the particular scope of the proceedings and provided that the punishable act subject to extradition is a crime, decide at the request of the Office of the Public Prosecutor that detention pending extradition may last up to one year. The time limit of the detention pending extradition and of the most recent ruling on the imposition or continuation of detention pending extradition is cancelled as soon as the court has taken a decision with regard to the request for extradition; following the decision, ex officio hearings relating to the application for release of unconvicted prisoners are cancelled as well. The same applies if and as soon as the person concerned consents to simplified extradition (article 32).<sup>1</sup>

5) If detention pending extradition is imposed on a person not represented by a defence counsel, the person shall simultaneously be assigned a defence counsel (§ 26, paragraph 3 of the Code of Criminal Procedure).<sup>2</sup>

#### Article 30

##### *Handling of Requests Received*

Requests for extradition received by the Ministry of Justice shall be transmitted to the Court of Justice. If there are any circumstances opposed to extradition for one of the grounds set out in articles 2 and 3, paragraph 1, or if the request is not suitable for legal handling, the Ministry of Justice must immediately refuse the request.

#### Article 31

##### *Proceedings before the Court of Justice*

1) The Judge of the Court of Justice must question the person to be extradited with regard to the request for extradition; article 29, paragraph 3 shall be applied *mutatis mutandis*. Whether there is reasonable suspicion based on the extradition documents that the person to be extradited has committed the punishable act he/she is charged with, only must be examined if there are considerable doubts concerning this, in particular if evidence is available or provided which would serve to invalidate the suspicion without any delay.

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<sup>1</sup> Article 29, paragraph 4 amended by LGBI. 2007 No. 294.

<sup>2</sup> Article 29, paragraph 5 inserted by LGBI. 2007 No. 294.

2) After completion of any necessary investigations, the Judge of the Court of Justice must submit the documents to the Court of Appeal together with a well-founded statement as to whether extradition is permissible.

## Article 32

### *Simplified Extradition*

1) If the person to be extradited due to a foreign request for extradition or imposition of detention pending extradition has consented to his/her extradition during his/her questioning and agreed to be handed over without carrying through the formal extradition proceedings, the Judge of the Court of Justice must transmit the documents directly to the Ministry of Justice after obtaining a statement by the Office of the Public Prosecutor. If several requests have been received, the declaration of consent shall only be effective if it covers all requests. If the person concerned is under detention pending extradition, the person may however only declare effective consent at the earliest during the first hearing relating to the application for release of unconvicted prisoners (§ 132, paragraph 2 (1) of the Code of Criminal Procedure). Such consent shall in any case only be legally valid if it has been entered in the record by the Court.<sup>1</sup>

1a) If consent to simplified extradition has been given, no formal extradition request is required.<sup>2</sup>

2) The Judge of the Court of Justice must inform the person to be extradited that he/she, in the case of his/her extradition pursuant to paragraph 1, is not entitled to protection in accordance with article 23, paragraph 1 or in accordance with corresponding provisions contained in international agreements, and that he/she may only revoke his/her agreement until his/her hand-over is ordered.

3) Simplified extradition of an adolescent is only permissible provided that his/her legal representative agrees as well or he/she is represented by a defence counsel.

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<sup>1</sup> Article 32, paragraph 1 amended by LGBI. 2007 No. 294.

<sup>2</sup> Article 32, paragraph 1a inserted by LGBI. 2009 No. 36.

## Article 33

*Adoption of Rulings Concerning Permissibility*

1) Permissibility of extradition is subject to the decision of a closed session of the Court of Appeal if neither the Office of the Public Prosecutor nor the person to be extradited have requested proceedings in an open court and such proceedings are not regarded as necessary for assessing the permissibility of extradition. Irrespective of a request for fixing a day for proceedings in the open court, the Court of Appeal may always declare extradition decided by a closed court session to be impermissible. Before a decision taken by a closed session of the court, the Office of the Public Prosecutor as well as the person to be extradited and his/her defence counsel must have been given the opportunity to comment on the request for extradition.

2) In other cases, a day for proceedings in open court shall be fixed, and the Office of the Public Prosecutor, the person to be extradited and his/her defence counsel shall be summoned to appear. The person to be extradited must be represented by a defence counsel in court (§ 26 StPO). If the person to be extradited is under arrest, he/she shall be brought before the court. The person to be extradited and his/her defence counsel shall be summoned to appear and the person to be extradited under arrest shall be informed in such a way that a period for preparation of at least eight days is provided to all parties involved.

3) Publicity of the proceedings may be prohibited, except in the cases set out in the Code of Criminal Procedure, at the request of the person to be extradited or if international relations could be affected by the trial.

4) During the trial, a member of the Court of Appeal provides a representation of the course of the trial so far without stating an opinion with regard to the decision to be taken. Then, the Office of the Public Prosecutor is given leave to speak and subsequently the person to be extradited and his/her defence counsel shall be given the opportunity to comment on the request for extradition and the statements of the Office of the Public Prosecutor. The person to be extradited and his/her defence counsel are in any event entitled to make a final statement. After these representations, the Court of Appeal retires to deliberate.

5) The Court of Appeal adopts a ruling which shall be pronounced orally by the President. Prior to adopting the ruling, the Court of Appeal may arrange for additional investigations to be carried out by the Judge of the Court of Justice.

6) The Court of Appeal must transmit its ruling to the Ministry of Justice together with all documents after it has become final and absolute.

## Article 34

*Acceptance and Refusal of Extradition*

1) The Ministry of Justice decides on the request for extradition subject to international agreements and the principles of international legal relations. In doing so, it takes into account the interests of the Principality of Liechtenstein, obligations under international law, in particular with regard to the right of asylum as well as to the protection of human dignity. It must refuse the extradition in so far as the Court of Appeal has declared it to be impermissible.

2) If extradition is permissible with regard to several states, the Ministry of Justice also must decide which request for extradition to give priority.

3) Provided that the requirements of article 32 are met and the person to be extradited has not revoked his/her consent, the Ministry of Justice, in consideration of article 37(1) and (3), must order the transfer of the person to be extradited. However, if there are concerns for one of the reasons set out in articles 10 to 25 with regard to permissibility of the extradition, proceedings shall be held in accordance with articles 31, 33 and 34, paragraphs 1,2 and 4.

4) The Ministry of Justice must notify the State making the request and, except in the case of simplified extradition, also the Court of Appeal of its decision. The Court of Appeal arranges for the person to be extradited and his/her defence counsel to be notified by the Court of Justice.

## Article 35

*Documents*

1) Permissibility of extradition shall be determined by examining the request for extradition and its documents. These documents must, in any event, include the original copy or a certified true copy of a warrant of arrest issued by a court, a deed with the same effect or an enforceable conviction.

2) The Ministry of Justice may demand at any one time of the proceedings, on its own account or at the request of the Judge of the Court of Justice or the Court of Appeal, supplementary documents from the State making the request



for extradition and fix an appropriate period for receipt of these. If no documents are forthcoming after expiry of this period of time, the decision shall be taken based on those documents available.

#### Article 36

##### *Transfer*

1) The Judge of the Court of Justice must arrange for the extradition to be enforced. If the person to be extradited is at large, he/she shall be arrested, provided that the enforcement of the extradition cannot be guaranteed otherwise. The surrender of the person to be extradited to the relevant border crossing point or to another agreed point of transfer must be carried out by the National Police. Personal effects of the person to be extradited which are in the custody of the Court also must be handed over, unless the person to be extradited has not otherwise disposed of them.

2) The transfer of an adolescent may, provided that the purpose of the extradition is not opposed to this, also be executed by transferring the adolescent to his/her legal guardian or to a person named by the latter.

3) An adolescent whose extradition will probably be consented to, may be transferred before the decision on the extradition proceedings if this is regarded as necessary to avoid any disadvantages in connection with extended extradition proceedings and provided that the principle of specialty is observed. The Ministry of Justice decides on early surrender.

#### Article 37

##### *Deferral of Transfer*

Transfer shall be deferred

1. if the person to be extradited is not able to be transported,
2. in the case of resumption of extradition proceedings, or
3. if domestic criminal proceedings are pending against the person to be extradited, if the person shall be kept in detention pending trial in connection with other domestic proceedings or if imprisonment or a preventive measure imposed by a court or an administrative authority shall

be enforced with regard to the person. If prosecution is refrained from due to the extradition (§ 21, paragraph 2(b) StPO), transfer must be carried out immediately.

#### Article 38

##### *Provisional Transfer*

1) Irrespective of the deferral of transfer in accordance with article 37(3), a person subject to the enforcement of imprisonment or a preventive measure may be provisionally transferred to another State at its request to perform certain procedural actions, in particular final proceedings and the delivery of the judgment, provided that the person's return after performance of the procedural actions is guaranteed. Provisional transfer may not be carried out if such transfer would place the person to be extradited at a disproportional disadvantage.

2) Provisional transfer shall not interrupt the enforcement of domestic imprisonment or preventive measure.

3) The Ministry of Justice decides on the request for provisional transfer.

#### Article 39

##### *Resumption of Extradition Proceedings*

The Court of Appeal must repeal its ruling adopted at a closed court session in accordance with article 33 if there are new facts or evidence which, alone or in connection with the extradition documents and the result of any investigations, cause serious concerns with regard to the correctness of the ruling. Further proceedings are subject to articles 31, 33 and 34.

#### Article 40

##### *Subsequent Extradition Proceedings*

If the extradited person has not been transferred by way of simplified extradition, articles 31, 33 and 34 shall be applied to the proceedings with regard to requests made in accordance with article 23, paragraph 2 subject to

the proviso that the Court of Appeal always adopts a ruling at a closed court session. Prior to the ruling, the extradited person must have been given the opportunity to comment on the request.

#### Article 41

##### *Proceedings upon Handing Over of Objects*

1) Articles 31 and 35 shall be applied to the handing over of objects *mutatis mutandis*. In the case of a separate request for handing over, the documents set out in article 35, paragraph 1 may be replaced by the official copy or certified true copy of a confiscation order from the court or a deed with the same effect.

2) The handing over of objects shall be deferred as long as they are required for pending domestic legal or administrative proceedings.

3) An object taken away through a punishable act may also be restored to the person entitled to it subject to § 259 StPO without implementation of the procedure in accordance with paragraph 1.

### **III. Transit**

#### **A. Permissibility**

#### Article 42

##### *General Principle*

1) The transit through the territory of the Principality of Liechtenstein of a person, in order to prosecute an act subject to judicial penalty or to enforce imprisonment imposed for such act or preventive measure, at the request of a State to which the person shall be extradited by a third State, is permissible in accordance with the provisions of this Act.

2) The provisions set out in articles 42 to 49 must be applied *mutatis mutandis* to requests for transit of persons through the territory of the Principality of Liechtenstein to a third State in order to assume prosecution or enforcement of a decision taken by a foreign court. Transit is also to be permitted if, for one of the grounds set out in article 11, extradition would be impermissible.

## Article 43

*Permissibility of Transit*

Transit is only permissible if extradition would be permissible in accordance with articles 11, 14, 15, 18 to 21 and 23.

## Article 44

*Prohibition of Transit of Liechtenstein Citizens*

The transit of Liechtenstein citizens through the territory of the Principality of Liechtenstein is only permissible if extradition were permissible in accordance with articles 11, 12, 14, 15, 18 to 21.

## Article 45

*Liechtenstein Jurisdiction*

1) Transit for a punishable act subject to Liechtenstein jurisdiction is permissible if such punishable act is not the cause:

1. for obtaining the extradition of the person to be transferred to the Principality of Liechtenstein, or
2. that the person to be transferred has already been convicted by a final judgment or, for another reason than the lack of Liechtenstein jurisdiction, the person has been acquitted by a final judgment or the indictment has been quashed in the State.

2) A domestic claim for imprisonment against the person to be transferred due to a punishable act which is not subject to the request for transit is only an obstacle to transit if, because of this punishable act, extradition to the Principality of Liechtenstein must be obtained.

## Article 46

*Use of Air Transport*

1) Transit need not be authorized if the transportation is planned to be carried out via air and no intermediate landing is planned on the territory of the Principality of Liechtenstein. In this case, it is sufficient for the State making the request to confirm that the person to be transferred shall not be transferred due to one of the punishable acts set out in articles 14 and 15, paragraph 1 and that one of the documents set out in article 48, paragraph 1 is available. In the case of the transit of a Liechtenstein citizen, article 12 applies *mutatis mutandis*.

2) If the flight cannot be immediately continued after an unforeseeable intermediate landing, the notification concerning the transport by air shall be regarded as a request for the imposition of detention pending extradition.

**B. Competence and Proceedings**

## Article 47

*Decision*

1) The Ministry of Justice decides on the request for transit. It must communicate its decision to the State making the request as provided for.

2) A notification concerning transport by air is examined by the Ministry of Justice. If air transport is impermissible, the Ministry of Justice must inform the State making the request in the form provided for.

## Article 48

*Documents*

1) Permissibility of transit shall be determined by examining the request for transit and corresponding documents. These documents must, in any event, include the official copy or a certified true copy of a warrant of arrest issued by a court, a deed with the same effect or an enforceable conviction.

2) The Ministry of Justice may demand supplementary documents from the State making the request for transit and fix an appropriate period for receipt of these. If no documents are forthcoming after expiry of this period, the decision shall be adopted based on those documents available.

## Article 49

*Transfer*

1) If the transit has been authorized, the border crossing points where the person to be transited shall be transferred and taken over shall be indicated. The person to be transited may only be taken over if his/her transit has been authorized and if he/she may be transported.

2) The enforcement of transit falls into the area of responsibility of the National Police. In connection with the transit, any objects handed over together with the person to be transferred must surrendered.

3) The enforcement of transit shall be interrupted if

1. after taking over the person to be transited, new facts or evidence are found which, alone or in connection with the transit documents and the result of any investigations, cause serious concerns with regard to the correctness of the permissibility of transit,
2. the person to be transited has committed a punishable act on the territory of the Principality of Liechtenstein that must be prosecuted *ex officio*, unless prosecution is refrained from by applying § 21, paragraph 2(b) StPO *mutatis mutandis* or
3. the person to be transited is unable to be transported.

## IV. Legal Assistance for Foreign Countries

### A. Prerequisites

#### Article 50

##### *General Principle*

1) Legal assistance may be granted at the request of a foreign authority in accordance with the provisions of this Act with regard to criminal matters including proceedings for the ordering of preventive measures and for the pronouncing of a pecuniary order as well as with regard to matters of redemption and criminal records, the proceedings for compensation of taking into custody and conviction, clemency cases and matters of sentence and measure enforcement.

1a) Foreign civil proceedings for the pronouncing of a pecuniary order within the meaning of §§ 20 and 20b of the Criminal Code shall be deemed a criminal matter for the purpose of paragraph 1.<sup>1</sup>

2) An authority within the meaning of paragraph 1 is a court, the Office of the Public Prosecutor or an authority active in sentence and measure enforcement.

3) Legal assistance within the meaning of paragraph 1 is every kind of support granted for foreign proceedings in criminal matters. It also includes the approval of activities within the framework of cross-border observations based on international agreements.

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<sup>1</sup> Article 50, paragraph 1a inserted by LGBI. 2009 No. 36.

## Article 51

*Impermissibility of Legal Assistance*

1) Granting of legal assistance is impermissible in so far as

1. the act underlying the request is either not sanctioned with legal punishment under Liechtenstein law or not subject to extradition in accordance with articles 14 and 15,
2. extradition would be impermissible with regard to the proceedings underlying the request in accordance with article 19(1) and (2), or
3. either the special requirements necessary in accordance with the Code of Criminal Procedure to carry out certain investigations, in particular confiscation and opening of letters or surveillance of telecommunications, are not met or the granting of legal assistance would violate an obligation under Liechtenstein law to maintain secrecy also with regard to criminal courts.

1a) The fact that the punishable act giving rise to the request is not subject to extradition pursuant to article 15(2) shall not constitute an obstacle to the provision of legal assistance, to the extent the act is punishable and is connected with damage to the budget of the European Communities:<sup>1</sup>

1. as tax fraud in accordance with article 88 of the Value Added Tax Act or as a customs violation committed maliciously or under aggravating circumstances in accordance with articles 118 and 119 in conjunction with article 124 of the Swiss Customs Act or article 14, paragraph 2 of the Federal Act on Administrative Criminal Law, if in such cases the evaded tax, reduced customs duties, or other unlawful advantage exceeded or was intended to exceed 75,000 francs, or<sup>2</sup>
2. as a breach of a customs prohibition in accordance with Art. 120 of the Swiss Customs Act.<sup>3</sup>

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<sup>1</sup> Article 51, paragraph 1a, introductory sentence inserted by LGBl. 2007 No. 189.

<sup>2</sup> Article 51, paragraph 1a(1) amended by LGBl. 2009 No. 332.

<sup>3</sup> Article 51, paragraph 1a(2) inserted by LGBl. 2007 No. 189.



2) The fact that an action is not liable to prosecution under Liechtenstein law is not an obstacle to the service of documents if the addressee is willing to accept them.<sup>1</sup>

## Article 52

### *Sending of Objects and Documents*

1) Objects or documents may only be sent if it can be guaranteed that they will be restored as soon as possible. Objects which are no longer required need not be restored.

2) Objects which are subject to rights of the Principality of Liechtenstein or third parties may only be sent under the reservation that these rights remain unaffected. Sending is impermissible if it is to be feared that this would obstruct or disproportionately impede the pursuit or realization of such rights.

3) Sending of objects or documents shall be deferred as long as they are required for pending domestic legal or administrative proceedings.

4) Sending of objects or documents is only permissible if it can be guaranteed that

1. the objects or documents will neither be used, in the State making the request, for the purpose of evidence or investigation on the grounds of an act committed before their handing over which is not subject to the granting of legal assistance, nor for the purpose of evidence or investigation on the grounds of one or more acts each of which is not subject to legal assistance (article 51, paragraph 1),
2. in the case that the legal assessment of the offense underlying legal assistance is altered or in the case that other provisions of criminal law than those applied originally are applied, the sent documents and objects are only made use of in so far as legal assistance would also be permissible under the new circumstances.

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<sup>1</sup> Article 51, paragraph 2 amended by LGBl. 2008 No. 367.

5) If the entitled parties consent to the sending of objects and documents until the end of the legal assistance proceedings, the Court of Justice sends the objects and documents subject to the parties' consent without any further formal procedures to the authority making the request. The consent of the entitled parties shall be given in writing or declared and entered in the record; it is irrevocable. Such consent to the sending of objects and documents is not unlawful unless it was granted with the intention of causing damage to another person.<sup>1</sup>

#### Article 52a

##### *Entitled Parties*

For purposes of this chapter, whoever is personally and directly affected by a legal assistance action shall be deemed an entitled party.<sup>2</sup>

#### Article 53

##### *Summons to Appear*

1) A summons to appear before a foreign authority may only be served on a person who is staying in the State if it can be guaranteed that the person will not be prosecuted or punished and that his/her personal freedom will not be restricted due to an act committed prior to his/her departure from the Principality of Liechtenstein. However, prosecution, punishment or restriction of personal freedom is permissible

1. due to a punishable act which is the subject of the person's summons to appear as the accused,
2. if the person summoned to appear stays in the territory of the State making the request for more than fifteen days after termination of questioning even though he/she was able and entitled to leave the country, or
3. if he/she leaves the territory of the State making the request and returns voluntarily or is legally brought back.

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<sup>1</sup> Article 52, paragraph 5 amended by LGBl. 2009 No. 36.

<sup>2</sup> Article 52a inserted by LGBl. 2009 No. 36.

2) Summons to appear containing a warning that compulsory measures will be taken if the summons is not observed may only be served with the information that such measures cannot be enforced in Liechtenstein.

3) Witnesses and experts shall be paid an appropriate advance on their travel expenses on request if a corresponding request was made by the other State and if refunding of the advance by the other State is guaranteed.

#### Article 54

##### *Surrender of Arrested Persons for the Purpose of Evidence*

1) A person who is in detention pending trial or after trial or is subject to the enforcement of measures due to a decision taken by a Liechtenstein court may be surrendered to a foreign country at the request of a foreign authority in order to carry out important investigations, in particular for questioning or confrontation, provided that

1. he/she agrees to such surrender,
2. his/her presence is not required for criminal proceedings pending in the State,
3. imprisonment is not prolonged by the surrender, and
4. the State making the request guarantees to keep the person under arrest, to return him/her immediately after execution of the investigation and not to prosecute or punish him/her for a punishable act committed before transfer.

2) Surrender shall not interrupt the implementation of detention pending trial or after trial or the preventive measure.

#### Article 54a<sup>1</sup>

##### *Spontaneous Transmission of Information*

1) The court may spontaneously transmit to a foreign authority information that it has obtained for its own criminal proceedings if

1. an international agreement provides a basis for such transmission,
2. this information might be helpful for the opening or carrying out of investigations or proceedings of a foreign authority, and

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<sup>1</sup> Article 54a inserted by LGBl. 2009 No. 36.

3. the transmission of the information would also be permissible within the framework of a request for legal assistance by the foreign authority.

2) The transmission of information is also permissible without an international agreement if

1. on the basis of specific facts, it must be assumed that the content of the information may help prevent a punishable act subject to extradition (article 11) or defend against an immediate and serious threat to public security, and

2. the precondition set out in paragraph 1(3) is met.

3) The transmission of information in accordance with paragraphs 1 and 2 must take place under the condition that

1. the transmitted information may not be used without prior consent of the transmitting authority for any purpose other than the purpose giving rise to the transmission,

2. the transmitted data must immediately be deleted or corrected by the receiving authority as soon as

a) it turns out that the data is incorrect,

b) the transmitting authority communicates that the data has been gathered or transmitted unlawfully, or

c) it turns out that the data is not or no longer needed for the purpose giving rise to the transmission.

4) Article 77, paragraph 3 shall be applied *mutatis mutandis*.

**B. Competence and Proceedings**

## Article 55

*Competence for the Handling of Requests for Legal Assistance*

1) Without prejudice to paragraphs 2 and 3, the Court of Justice is responsible for handling requests for legal assistance.

2) If a person to be transferred is under detention after trial or subject to the enforcement of measures, the Court of Justice decides on the request for surrender. The Ministry of Justice shall be notified of the decision. The Ministry of Justice must refuse surrender in the case of one of the circumstances set out in articles 2 and 3, paragraph 1. The surrender to the relevant border crossing point or to another agreed point of transfer must be carried out by the National Police.

3) If a person under arrest in another State is to be surrendered to a third State via the territory of the Principality of Liechtenstein in order to carry out important investigations, in particular for questioning or confrontation, article 44, 47 and 49 shall be applied *mutatis mutandis*.

4) If in a request for extradition, transmission of objects and documents is demanded, it must be decided after seizure of these which objects and documents are actually given to the authority making the request. The entitled parties must first be granted a fair hearing.<sup>1</sup>

5) The announcement and sending of final criminal court decisions to the requesting authority is permissible without a formal procedure.<sup>2</sup>

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<sup>1</sup> Article 55, paragraph 4 amended by LGBI. 2009 No. 36.

<sup>2</sup> Article 55, paragraph 5 inserted by LGBI. 2009 No. 36.

## Article 56

*Form and Contents of Requests for Legal Assistance*

1) Legal assistance may only be granted if the facts and the legal assessment of the punishable act underlying the request may be seen from the request. In the case of a request for service it is sufficient to indicate the provisions of criminal law to be applied or applied by the State making the request.

2) The request for the search of persons or premises, for seizure of objects or for surveillance of telecommunications must include the original copy or a certified true copy of the order given by the competent authority. If this is not a court order, a declaration of the authority making the request for legal assistance must be provided which states that the requirements necessary for this measure are met under the law of the State making the request.

3) If it is not possible to order measures under the law of the State making the request in accordance with paragraph 2, a confirmation that these measures are permissible in the State making the request is sufficient.

## Article 57

*Refusal of Legal Assistance; Lack of Competence*

1) If legal assistance is not granted in whole or in part, the foreign authority making the request shall be informed by indicating the reasons in the form provided for.

2) Requests for legal assistance received by other authorities shall be transmitted to the Court of Justice.

Article 58<sup>1</sup>*Applicable Procedural Provisions*

Legal assistance shall be granted in accordance with the provisions on criminal proceedings applicable in Liechtenstein. However, a request for carrying out another process shall be granted provided that this process is compatible with the principles of the Liechtenstein criminal proceedings. If legal assistance is granted in the form of an order in accordance with § 97a of the Code of Criminal Procedure, a time period must be fixed; the foreign authority making the request shall be notified accordingly in the form provided for.

Article 58a<sup>2</sup>*Participation in the Proceedings*

1) The entitled persons may participate in the proceedings and inspect the documents to the extent required to safeguard their interests.

2) The rights provided in paragraph 1 may be limited only:

1. in the interest of the foreign proceedings;
2. for the protection of an essential interest, provided that the requesting authority so requests;
3. in light of the nature or the urgency of the legal assistance action to be performed;
4. for the protection of essential private interests;
5. in the interest of Liechtenstein proceedings.

3) Inspection of documents or participation in proceedings may only be denied in regard to documents and procedural actions with respect to which the preconditions set out in paragraph 2 are met.

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<sup>1</sup> Article 58 amended by LGBl. 2009 No. 36.

<sup>2</sup> Article 58a inserted by LGBl. 2009 No. 36.

Article 58b<sup>1</sup>*Service of Decisions and Summons to Appear*

1) The legal assistance court and the appellate courts shall serve their decisions and summons to appear on:

1. the entitled parties residing or domiciled in Liechtenstein;
2. the entitled parties situated abroad having an address for service in Liechtenstein.

2) in the case of legal persons and companies without legal personality that no longer have governing bodies, service shall be effected on the governing body or representative that most recently performed this function.

Article 58c<sup>2</sup>*Appeal in Court Proceedings*

1) The ruling of the legal assistance court concluding the legal assistance proceedings as well as the preceding rulings shall be subject to appeal.

2) The preceding rulings may be contested separately, provided they effect an immediate and irreparable disadvantage; this applies particularly to orders pursuant to § 97a of the Code of Criminal Procedure.

3) Any legal remedies pursuant to paragraph 2 do not constitute an obstacle to the continuation of the legal assistance proceedings.

Article 58d<sup>3</sup>*Right to Appeal*

The following have the right to appeal:

- a) whoever is personally and directly affected by a legal assistance action and has an interest worthy of protection that it be annulled or modified;
- b) the Liechtenstein Office of the Public Prosecutor.

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<sup>1</sup> Article 58b inserted by LGBl. 2009 No. 36.

<sup>2</sup> Article 58c inserted by LGBl. 2009 No. 36.

<sup>3</sup> Article 58d inserted by LGBl. 2009 No. 36.



## Article 59

*Admission of Foreign Organs and Parties Involved in the Proceedings to Carry Out Actions of Legal Assistance*

1) Foreign organs are not allowed to make investigations or carry out procedural actions on the territory of the Principality of Liechtenstein under this Act. However, the competent foreign judge, public prosecutor and other persons involved as well as their legal representatives shall be granted permission to inspect documents and to be present and take part in legal assistance actions if this appears necessary for the appropriate handling of the request for legal assistance. The official actions of foreign organs necessary for this, except in the case of cross-border observations, are subject to approval by the Ministry of Justice.<sup>1</sup>

2) Persons who have been permitted to be present upon performance of an action of legal assistance in accordance with paragraph 1, must not be prosecuted, punished or restricted in their personal freedom during their stay in Liechtenstein due to an act committed before their entering the country. However, prosecution, punishment or restriction of personal freedom is permissible

1. if the person admitted to perform an action of legal assistance stays on the territory of the Principality of Liechtenstein after termination of such action for more than fifteen days even though he/she was able and entitled to leave the territory,
2. if the person leaves the territory of the Principality of Liechtenstein and returns voluntarily or is legally brought back,

3) If a person admitted to perform an action of legal assistance is under arrest abroad, he/she may be taken over at the request of the other State if detention is based on the conviction of a competent court or if there is a reason for arrest also recognized under Liechtenstein law. The person surrendered shall be arrested in Liechtenstein and returned immediately after termination of the legal assistance action.

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<sup>1</sup> Article 59, paragraph 1 amended by LGBl. 2010 No. 328.

## **V. Assumption of Prosecution and Monitoring; Enforcement of Decisions Taken by a Foreign Criminal Court**

### **A. Assumption of Prosecution**

#### Article 60

##### *Competence and Proceedings*

1) Requests for the assumption of prosecution shall be examined on a provisional basis by the Ministry of Justice. If the request does not provide sufficient grounds for prosecution, the Ministry of Justice must refuse further dealing with the request or otherwise send it to the Office of the Public Prosecutor. The Ministry of Justice may demand at any one time of the proceedings, on its own account or at the request of the Judge of the Court of Justice or the Office of the Public Prosecutor, supplementary documents from the State making the request for assumption of prosecution. It must inform the State making the request about the orders decided and the result of the criminal proceedings.

2) If Liechtenstein jurisdiction is exclusively based on an international agreement, the Court of Justice must question the suspect with regard to the requirements for assumption of prosecution.

### **B. Assumption of Monitoring**

#### Article 61

##### *Prerequisites*

Monitoring of a person convicted by the final judgment of a foreign court whose sentence is subject to conditional respite, whose sentence or preventive measure was conditionally waived or who was conditionally released from imprisonment or a preventive measure connected with imprisonment, is permissible at the request of another State if

1. the decision of the foreign court has been taken in a trial that complies with the basic principles of article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms,

2. the person was convicted due to an offense which is subject to judicial penalty under Liechtenstein law,
3. the person was not convicted due to a punishable act set out in articles 14 and 15,
4. the convicted person is not, due to the offense, prosecuted or convicted by a final judgment or, for another reason than the lack of Liechtenstein jurisdiction, the person has been acquitted by a final judgment or the indictment has been quashed in Liechtenstein, and
5. if the convicted person has his/her residence or abode in Liechtenstein.

#### Article 62

##### *Monitoring Measures*

Monitoring is supposed to prevent the lawbreaker from committing additional punishable acts. As far as is necessary or useful, the measures provided by Liechtenstein law (§§ 51 and 52 StPO) for this purpose shall be ordered taking into account the foreign decision.

#### Article 63

##### *Competence and Proceedings*

1) Requests for assumption of monitoring shall be transmitted from the Ministry of Justice to the Court of Justice (paragraph 2). If a request does not, for one of the grounds set out in articles 2 and 3, paragraph 1, provide reasonable cause for monitoring or if it is unsuitable for legal treatment, the Ministry of Justice must refuse further dealing with this request. It may demand at any one time of the proceedings, on its own account or at the request of the Court, supplementary documents from the State making the request for assumption of monitoring.

2) The Court of Justice is the competent court for taking the decision on monitoring as well as for ordering the monitoring measures. This decision may be contested by the Office of the Public Prosecutor and the convicted person by appealing to the Court of Appeal within fourteen days.

3) The Ministry of Justice must notify the State making the request of its decision with regard to the request for assumption of monitoring in the form provided for as well as of the measures ordered due to such request and their result.

### **C. Enforcement of Decisions Taken by Foreign Criminal Courts**

#### Article 64

##### *Prerequisites*

1) Enforcement or further enforcement of a decision taken by a foreign court in connection with which a fine or imprisonment, a preventive measure or pecuniary order has been pronounced by a final judgment, is permissible at the request of another State if

1. the decision of the foreign court has been taken in a trial that complies with the basic principles of article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms,
2. the decision was taken due to an act which is subject to judicial penalty under Liechtenstein law,
3. the decision was not taken due to a punishable act set out in articles 14 and 15,
4. enforceability would not have become time-barred under Liechtenstein law yet,
5. the person affected by the decision taken by the foreign court is not, due to the offense, prosecuted, convicted or acquitted by a final judgment or if the indictment has been quashed for another reason in Liechtenstein.

2) Enforcement of the decision taken by a foreign court in connection with which imprisonment or a preventive measure has been pronounced is only permissible if the convicted person is a Liechtenstein citizen and has his/her residence or abode in Liechtenstein.<sup>1</sup>

3) Enforcement of preventive measures is only permissible if Liechtenstein law provides for equivalent measures.

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<sup>1</sup> Article 64, paragraph 2 amended by LGBl. 2009 No. 36.

4) Enforcement of the decision taken by a foreign court in connection with which pecuniary orders are given is only permissible as far as, under Liechtenstein law, the requirements for a fine, absorption of enrichment, forfeiture or confiscation are provided and a corresponding domestic order has not been issued yet.

5) Enforcement of the decision taken by a foreign court in connection with which a fine or absorption of enrichment has been pronounced, is only permissible if collection is expected to be in Liechtenstein and the person concerned has been heard provided that he/she could be contacted.

6) Enforcement of the decision taken by a foreign court in connection with which forfeiture or confiscation has been pronounced by a final judgment, is only permissible if the objects or assets subject to the decision are located in Liechtenstein and the person concerned has been heard provided that he/she could be contacted.

7) Fines, absorbed amounts of money, forfeited assets and confiscated objects devolve upon the State.

#### Article 65

##### *Domestic Decision of Enforcement*

1) If the enforcement of a decision taken in criminal matters by a foreign court is assumed, the sentence, preventive measure or pecuniary order to be enforced in Liechtenstein shall be determined under Liechtenstein law taking into account the measure pronounced in such decision. The forfeiture ordered in a decision taken by a foreign court may also be enforced as domestic forfeiture if, under Liechtenstein law, there would be an absorption of enrichment.

2) The person affected by the decision must not, by the assumption of the enforcement, be put in a less favourable position than by the enforcement in the other State.

3) §§ 38 and 66 StGB shall be applied *mutatis mutandis*.

#### Article 66

##### *Handling of Requests Received*

Requests for the enforcement of decisions taken by foreign criminal courts received by the Ministry of Justice shall be transmitted to the Court of Justice (article 67, paragraph 1). If, on receipt of the request, there are any circumstances opposed to the assumption of enforcement for one of the grounds set out in articles 2 and 3, paragraph 1, or if the request is not suitable for legal treatment, the Ministry of Justice must immediately refuse the request. The Ministry of Justice may demand at any one time of the proceedings, on its own account or at the request of the Court of Justice, supplementary documents from the State making the request for assumption of enforcement.

#### Article 67

##### *Competence and Proceedings*

1) The Court of Justice decides on the request for enforcement and adaptation of the sentence, the preventive measure or absorption of enrichment, forfeiture or confiscation by adopting a ruling. The Office of the Public Prosecutor and the party affected by the decision may file an appeal with the Court of Appeal within fourteen days.

2) The Ministry of Justice must inform the State making the request about the decision on the request for assumption of enforcement in the form provided for and notify it of the enforcement.

3) After the assumption of enforcement of a sentence or preventive measure, it is no longer permissible to institute criminal proceedings due to the offense underlying the judgment.

4) The provisions of Liechtenstein law shall be applied to enforcement, conditional release and power of pardon.

5) The enforcement shall be terminated in any event if the enforceability of the sentence or preventive measure expires under the law of the State making the request.

## **VI. Obtaining of Extradition, Transit, Handing Over, Legal Assistance and Assumption of Prosecution, Monitoring and Enforcement**

### **A. Obtaining of Extradition, Transit and Handing Over**

#### Article 68

##### *Competence and Proceedings*

1) If there is reasonable cause for obtaining the extradition of a person staying abroad in order to prosecute him/her or enforce imprisonment or a preventive measure, the Court of Justice must, at the request of the Office of the Public Prosecutor, transmit the documents necessary for obtaining extradition to the Ministry of Justice.

2) The Ministry of Justice may refrain from obtaining extradition if

1. extradition is not to be expected,
2. presumably only a fine or minor imprisonment or suspended term of imprisonment would be imposed,
3. the sentence of imprisonment to be enforced is minor, or
4. for the Principality of Liechtenstein, there would be disadvantages or burdens linked with the extradition which are disproportionate with regard to the public interest in prosecution or enforcement.

3) The provisions of paragraphs 1 and 2 shall be applied *mutatis mutandis* to obtaining transit and handing over of objects.

## Article 69

*Obtaining of Detention Pending Extradition*

If the requirements for obtaining extradition are complied with, the Court of Justice may, at the request of the Office of the Public Prosecutor, request the competent foreign court to impose detention pending extradition in the form provided for. The Ministry of Justice must be immediately notified of such request.

## Article 70

*Specialty of Extradition*

1) A person who was extradited to Liechtenstein may not be prosecuted, punished, restricted in his/her personal freedom or extradited to a third State without the approval of the requested State due neither to an offense committed before his/her extradition which is not subject to the permission of extradition nor exclusively due to one or more offenses each of which is not subject to the extradition. However, specialty of extradition is not an obstacle to such measures if

1. the extradited person stays in the territory of the Principality of Liechtenstein after his/her release for more than forty-five days even though he/she was able and entitled to leave the territory,
2. the extradited person leaves the territory of the Principality of Liechtenstein and returns voluntarily or is legally brought back to that territory from a third State,
3. the requested State renounces compliance with specialty.

2) In the case that the act underlying the extradition is to be legally assessed in a manner different from that in the request for extradition or in the case that other provisions of criminal law than those applied originally are to be applied, the extradited person may only be prosecuted and punished in so far as the extradition would also be permissible under the new circumstances.

3) If the extradition of a person convicted of several cumulated punishable acts was only authorized for enforcement of an individual part of the sentence linked to individual ones of these punishable acts, it is only permissible to enforce such part. The extent of the sentence to be enforced is determined by the Court of Justice by adopting a ruling. The Office of the Public Prosecutor



and the convicted party may file an appeal against such ruling with the Court of Appeal within fourteen days.

4) The provisions of paragraph 1 to 3 shall be applied *mutatis mutandis* to transit.

## **B. Obtaining of Legal Assistance**

### Article 71

#### *Prerequisites and Proceedings*

1) Requests for legal assistance shall be submitted, in the form provided for, to the foreign court, the foreign Office of the Public Prosecutor or the authority dealing with the enforcement of sentences or measures in the area of which the legal assistance action shall be performed. The request must include the facts underlying the proceedings and the information necessary to properly handle the matter.

2) In so far as direct legal assistance dealings are not provided for, the Ministry of Justice may refrain from transmitting the request for legal assistance based on one of the reasons set out in articles 2 and 3, paragraph 1.

### Article 72

#### *Summons to Appear for Persons from Abroad*

1) If personal appearance of a person to be questioned before court is regarded as necessary, the competent foreign court shall be requested to serve the summons to appear on the party in the form provided for. It must not contain a warning that compulsory measures will be taken if the summons is not complied with.

2) The person summoned to appear must not be prosecuted, punished or restricted in his/her personal freedom due to an act committed prior to his/her entering the country. However, prosecution, punishment or restriction of personal freedom is permissible

1. due to a punishable act which is the subject of the person's summons to appear as the accused,
2. if the person summoned to appear stays in the territory of the Principality of Liechtenstein for more than fifteen days after termination of questioning even though he/she was able and entitled to leave the country, or
3. if he/she leaves the territory of the Principality of Liechtenstein and returns voluntarily or is legally brought back.

#### Article 73

##### *Surrender of Arrested Persons for the Purpose of Evidence*

1) A person under arrest abroad may be surrendered to Liechtenstein in order to carry out important investigations, in particular for questioning or confrontation. The provisions of article 59, paragraphs 2 and 3 shall be applied *mutatis mutandis*.

2) If a person who is in detention pending trial or after trial due to a decision taken by a Liechtenstein court shall be surrendered to a foreign country in order to carry out important investigations, in particular for questioning or confrontation, article 54 shall be applied *mutatis mutandis*. However, the consent of the person to be surrendered (article 54, paragraph 1(1)) is not required.

#### **C. Obtaining of Assumption of Prosecution, Monitoring and Enforcement of National Convictions under Criminal Law Abroad**

#### Article 74

##### *Obtaining of Assumption of Prosecution*

1) The Ministry of Justice may request another State to institute criminal proceedings against a person due to a punishable act subject to Liechtenstein jurisdiction if jurisdiction of this State seems to be justified and

1. extradition of a person staying abroad cannot be obtained or extradition is refrained from for another reason, or

2. delivering a judgment on a person staying in Liechtenstein is, in the other State, in the interest of ascertaining the truth or justified for reasons of assessment of punishment or enforcement and if the person is extradited due to another punishable act or if it must be assumed that the criminal proceedings will be performed in the other State with that person being present.

2) If there is reasonable cause to obtain assumption of prosecution, the Office of the Public Prosecutor must notify the Ministry of Justice accordingly and transmit the necessary documents.

3) A request in accordance with paragraph 1 is impermissible if it is to be feared that the person would be placed at a disadvantage for one of the reasons set out in article 19 or if the punishable act is sanctioned with the death penalty in the requested State.

4) After receipt of the notification that prosecution has been assumed in the requested State, the domestic criminal proceedings shall be suspended. If the perpetrator is convicted by a final judgment of the foreign court and the complete sentence has been enforced or - if it was not enforced - waived, domestic proceedings shall be discontinued.

5) Prior to the request for assumption of prosecution, the suspected person must be heard if he/she is staying in the State.

#### Article 75

##### *Obtaining of Monitoring*

If there is reasonable cause to request another State to monitor a person for whom a probationary period has been fixed due to the decision taken by a national court in accordance with §§ 43, 45, 46 or 47 StGB or § 8 of the Juvenile Court Act, the Court of Justice must transmit the documents necessary for obtaining monitoring to the Ministry of Justice. Prior to a request for monitoring, a statement by the Office of the Public Prosecutor shall be obtained and the convicted person shall be heard if he/she is staying in the State.

## Article 76

*Obtaining of Enforcement*

1) If there is reasonable cause to request another State to assume the enforcement of a final decision in connection with which a sentence or preventive measure has been pronounced or withdrawn or absorption of enrichment has been ordered, the Court of Justice must transmit the documents necessary for obtaining the assumption of enforcement to the Ministry of Justice. The Ministry of Justice shall refrain from submitting the request if it must be assumed that the assumption of enforcement will be refused for one of the reasons set out in articles 2, 3, paragraph 1 or in paragraph 3(2) and (3).

2) A request for the assumption of enforcement of imprisonment or a preventive measure is permissible if

1. the convicted person is staying in the requested State and his/her extradition cannot be obtained or extradition is refrained from for another reason, or
2. the purposes of enforcement may be fulfilled more efficiently by enforcing or further enforcing the decision in the requested State.

3) A request for the assumption of enforcement of imprisonment or a preventive measure is impermissible if

1. the convicted person is a Liechtenstein citizen unless his/her residence or abode is in the requested State and that he/she is actually staying there,
2. it is to be feared that the sentence or preventive measure would be enforced in a way that does not comply with the requirements of article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms,
3. it is to be feared that the convicted person would be subject to persecution or discrimination of the kind set out in article 19(3) in the case he/she is transferred to the requested State, or
4. it is to be feared that the convicted person would be placed in a considerably less favourable position with regard to the general consequences than through national enforcement or further enforcement.

4) A request for the assumption of enforcement of a fine or ordering of absorption of enrichment is permissible if collection shall be expected in the requested State.

5) If the requested State notifies the State making the request that it assumes enforcement, national enforcement must be suspended. If the convicted person returns to the territory of Liechtenstein without the sentence or preventive measure ordered in the requested State due to the request for assumption of enforcement having been completely enforced or with the unenforced part of the sentence or preventive measure having been waived, the Court of Justice must arrange for the rest of the sentence or preventive measure to be enforced. However, the Court of Justice must refrain from subsequent enforcement and conditionally or unconditionally waive the rest of the sentence or conditionally or unconditionally release him from the preventive measure in so far as the convicted person would, through the enforcement with regard to the general consequences, be placed in a less favourable position than through enforcement in Liechtenstein.

6) If the enforcement of a sentence imposed due to several cumulated punishable acts is only obtained for the part concerning individual punishable acts and if the sentence has not been separated in the requested State, article 70, paragraph 3 shall be applied *mutatis mutandis*.

7) The sentence or pecuniary order to be enforced in the requested State remains subject to the provisions of the Liechtenstein power of pardon.

8) The transfer of the convicted person to the authorities of the requested State shall be arranged for by the Court of Justice (paragraph 1) by applying article 36, paragraph 1 *mutatis mutandis*.

9) Prior to making a request for the assumption of enforcement, a statement by the Office of the Public Prosecutor shall be obtained and the person involved to be heard provided that he/she is staying in the State.

## VII. Legal Protection

### Article 77

#### *Legal Remedies*

- 1) No legal remedies are permissible against the orders by the Ministry of Justice.
- 2) In judicial proceedings, the legal remedies set out in the Code of Criminal Procedure shall be applied *mutatis mutandis* except as otherwise provided for in this Act.
- 3) No legal remedies are permissible against Liechtenstein requests to another state.<sup>1</sup>

## VIII. Transitional and Final Provisions

### Article 78

#### *Transitional Provision*

The legal assistance and extradition proceedings pending upon the coming into force of this Act are subject to the law heretofore in force.

### Article 79

#### *Obligation to Report*

The courts and the Ministry of Justice have the obligation to inform each other immediately about the orders they have given in the legal assistance proceedings.

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<sup>1</sup> Article 77, paragraph 3 inserted by LGBI. 2009 No. 36.

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Article 80

*Implementing Ordinances*

The Government shall issue the ordinances necessary for the implementation of this Act.

Article 81

*Repeal of Law Heretofore in Force*

The Law of 11 November 1992 on International Mutual Legal Assistance in Criminal Matters (Mutual Legal Assistance Act), Law Gazette 1993 No. 68, is hereby repealed.

Article 82

*Entry into Force*

This Act shall enter into force on the day of its promulgation.

signed *Hans-Adam*

signed *Dr. Mario Frick*  
Prime Minister

**Transitional provisions**

**351 Mutual Legal Assistance Act**



**Law**

of 20 September 2007

**amending the Mutual Legal Assistance Act**

...

**II.****Transitional provisions**

1) Changes to the preconditions for asserting rights of appeal and other legal remedies as well as to the competence and procedure for making decisions in this regard shall not have effect if the court's decision in question was made prior to entry into force<sup>1</sup> of this Act. Decisions by the Court of Appeal made on the basis of law heretofore in force but after entry into force<sup>1</sup> of this Act shall trigger a detention period of two months.

2) § 132 StPO (detention periods) redrafted by the Law of 20 September 2007 amending the Code of Criminal Procedure shall apply to rulings imposing or continuing detention pending extradition prior to entry into force<sup>1</sup> of this Act, insofar as the accused is still in detention at the time of entry into force<sup>1</sup> of this Act, providing that

1. entry into force<sup>1</sup> of this Act triggers a detention period of two months;
2. a waiver by the accused of an upcoming hearing relating to the application for release of unconvicted prisoners is in any case permissible, in which case the ruling on cancelling or continuing detention pending extradition may be made in writing.

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<sup>1</sup> Entry into force: 1 January 2008

3) In the cases of persons who, at the time of entry into force<sup>1</sup> of this Act are in detention pending extradition, the assignment and appointment of a defence counsel shall be governed by article 29, paragraph 5 of the Mutual Legal Assistance Act.

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<sup>1</sup> Entry into force: 1 January 2008

**Law**  
of 11 December 2008  
**amending the Mutual Legal Assistance Act**

...

**II.**

**Transitional provision**

The legal assistance and extradition proceedings pending upon entry into force<sup>1</sup> of this Act are subject to the law heretofore in force – with the exception of articles 32, paragraph 1a, 50, paragraph 1a, 54a, 55, paragraph 5, 58, sentence 3, 59, paragraph 1, 64, paragraph 2, and 77, paragraph 3 of this Act.

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<sup>1</sup> Entry into force: 1 February 2009

**Liechtenstein Law Gazette**

Year 1983

No. 38

published on 30 July 1983

**Law**  
of 20 April 1983  
**on Narcotics and Psychotropic Substances**  
**(Narcotics Act)<sup>1</sup>**

**IV. Penal provisions**

Article 20

1) The Court of Justice shall punish with imprisonment of up to three years or a fine of up to 360 daily rates for committing a misdemeanour anyone who wilfully:<sup>2</sup>

- a) cultivates alkaloidal plants for the purpose of gaining narcotics or cannabis according to article 2, paragraph 2(a)(4) without authorization;<sup>3</sup>

<sup>2</sup> Article 20, paragraph 1 introductory sentence amended by LGBl. 2000 No. 258.

<sup>3</sup> Article 20, paragraph 1(a) amended by LGBl. 2004 No. 105.

- b) manufacturers, extracts, converts, or processes narcotics without authorization;<sup>1</sup>
- c) stores, sends, or transports them without authorization;<sup>2</sup>
- d) offers, distributes, sells, procures, supplies, prescribes, circulates, or dispenses them without authorization;<sup>3</sup>
- e) possesses, keeps, purchases, or otherwise obtains them;<sup>4</sup>
- f) makes arrangements for this purpose;<sup>5</sup>
- g) finances the unauthorized trade in narcotics or procures financing for this purpose;<sup>6</sup>
- h) publicly incites the consumption of narcotics or publicly announces opportunities for purchasing or consuming narcotics.<sup>7</sup>

In serious cases, the perpetrator shall be punished with imprisonment of one to twenty years for committing a crime.<sup>8</sup>

2) A case shall be considered serious if the perpetrator:<sup>9</sup>

- a) knows or must assume that the violation concerns a quantity of narcotics that can endanger the health of many people,
- b) acts as a member of a criminal group;<sup>10</sup>
- c) achieves large sales or substantial profits by trading on a professional basis.

3) If the violations set out in paragraph 1 are committed negligently, then the Court of Justice shall punish the perpetrator with imprisonment of up to one year or a fine of up to 360 daily rates for committing a misdemeanor.<sup>11</sup>

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<sup>1</sup> Article 20, paragraph 1(b) amended by LGBL 2000 No. 258.

<sup>2</sup> Article 20, paragraph 1(c) amended by LGBL 2000 No. 258.

<sup>3</sup> Article 20, paragraph 1(d) amended by LGBL 2000 No. 258.

<sup>4</sup> Article 20, paragraph 1(e) amended by LGBL 2000 No. 258.

<sup>5</sup> Article 20, paragraph 1(f) amended by LGBL 2000 No. 258.

<sup>6</sup> Article 20, paragraph 1(g) amended by LGBL 2000 No. 258.

<sup>7</sup> Article 20, paragraph 1(h) amended by LGBL 2000 No. 258.

<sup>8</sup> Article 20, paragraph 1 amended by LGBL 2000 No. 258.

<sup>9</sup> Article 20, paragraph 2, introductory sentence amended by LGBL 2008 No. 12.

<sup>10</sup> Article 20, paragraph 2(b) amended by LGBL 2007 No. 188.

<sup>11</sup> Article 20, paragraph 3 amended by LGBL 1988 No. 38.

Article 20a<sup>1</sup>

Repealed

## Article 21

1) Anyone who, without authorization, wilfully consumes narcotics or who commits a violation as referred to in article 20 for the purpose of own consumption shall be punished by the Court of Justice for committing an infraction with a fine of up to 50,000 francs, but if the fine cannot be collected with up to six months imprisonment.<sup>2</sup>

2) In minor cases the penalty may be waived.

## Article 22

1) In the event of a conviction for a punishable act under this law committed due to narcotics addiction, the court may temporarily defer execution of a sentence of imprisonment of not more than five years or a monetary penalty and determine a probation period of at least one and at most five years, provided the perpetrator undergoes treatment aimed at rehabilitation, if the success of such treatment can be expected, taking account of all circumstances. Treatment also includes a stay in an institution recognized by the State with the purpose of remedying the addiction or countering a relapse into addiction.<sup>3</sup>

2) At times determined by the court, the convicted person is required to provide evidence of the commencement and continuation of treatment; the persons or institutions administering the treatment must notify the court of any termination of treatment.

3) The court of the first instance shall revoke the deferment of execution and shall order execution of the deferred penalty if the treatment is not commenced or continued, if the convicted person fails to provide the evidence required by paragraph 2, if the treatment is obviously unsuccessful or if the perpetrator commits a punishable act that is not minor.

4) In the case of a perpetrator serving a term of imprisonment for a punishable act as referred to in paragraph 1, the court may remit the remaining term of imprisonment once half the term has been served, provided the perpetrator undergoes treatment aimed at rehabilitation, if the

1 Article 20a repealed by LGBL 2000 No. 258.

2 Article 21, paragraph 1 amended by LGBL 1988 No. 38.

3 Article 22, paragraph 1 amended by LGBL 1989 No. 72.

success of such treatment can be expected, taking account of all circumstances. Paragraphs 2 and 3 shall apply *mutatis mutandis*.<sup>1</sup>

### Article 23

Anyone wilfully inciting or trying to incite a person to consume narcotics without authorization shall be punished by the Court of Justice for committing an infraction with a fine of up to 50,000 francs, but if the fine cannot be collected with up to six months imprisonment.<sup>2</sup>

### Article 24

1) Anyone who wilfully does the following shall be punished by the Court of Justice for committing a misdemeanour with imprisonment of up to three years or a monetary penalty of up to 360 daily rates:

- a) as a medical doctor, dentist, veterinarian, or pharmacist uses or dispenses narcotics other than as provided by article 7;
- b) as a medical doctor or veterinarian uses or dispenses narcotics other than as provided by article 9 or 11;
- c) as a medical doctor or veterinarian prescribes narcotics other than as provided by article 9.

In serious cases, the perpetrator shall be punished for committing a crime with imprisonment of one to twenty years.<sup>3</sup>

2) A perpetrator acting negligently shall be punished by the Court of Justice for committing an infraction with a fine of up to 50,000 francs, but if the fine cannot be collected with imprisonment of up to six months.<sup>4</sup>

### Article 25

1) Anyone who fails to prepare the delivery notes and narcotics controls required by article 16 and article 17, paragraph 1 or who provides incorrect information in that context or fails to include information he should have provided,

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1 Article 22, paragraph 4 inserted by LGBl. 1989 No. 72.

2 Article 23 amended by LGBl. 1988 No. 38.

3 Article 24, paragraph 1 amended by LGBl. 2000 Nt. 258.

4 Article 24, paragraph 2 amended by LGBl. 1988 No. 38.

anyone who makes use of delivery notes or narcotics controls containing incorrect or incomplete information, shall, if the act is committed wilfully, be punished by the Court of Justice for committing a misdemeanour with imprisonment of up to three years.<sup>1</sup>

2) If the act is committed negligently, the perpetrator shall be punished by the Court of Justice for committing an infraction with a fine of up to 50,000 francs, but if the fine cannot be collected with imprisonment of up to six months.<sup>2</sup>

#### Article 26<sup>3</sup>

Anyone violating the provisions of this law or the implementing provisions enacted on the basis of this law shall, unless a punishable act has been committed as referred to in articles 20 to 25, be punished by the Court of Justice for committing an infraction with a fine of up to 50,000 francs, but if the fine cannot be collected with imprisonment of up to six months.

<sup>1</sup> Article 25, paragraph 1 amended by LGBL 1988 No. 38.

<sup>2</sup> Article 25, paragraph 2 amended by LGBL 1988 No. 38.

<sup>3</sup> Article 26 amended by LGBL 1988 No. 38.



**Law**  
of 21 June 1989  
**on the National Police**  
**(Police Act)**<sup>1</sup>

Article 25c<sup>2</sup>

*Seizure of property and assets*

1) The National Police may seize property or assets in order to:

- a) prevent the commission of a criminal offense;
- b) avert a risk;
- c) protect the owner or lawful holder against loss of or damage to the property.

2) Property or assets which may be significant for the criminal investigation, or which are subject to forfeiture, confiscation or siphoning-off of enrichment, shall also be seized insofar as such seizure is not permitted to be deferred.

3) The seized property or assets shall be recorded in a schedule in which the reason for the seizure is shown. The person concerned shall be given a copy on demand.

4) As soon as the prerequisites for the seizure have ceased to exist, the National Police shall return the property or assets to the person entitled.

5) A seized item of property shall be permitted to be sold or, if this is not possible, destroyed at the cost of the person entitled, if

- a) despite a request it is not collected by the person entitled within the fixed time limit;
- b) no one lays claim to this item of property;
- c) it is exposed to a rapid decrease in value; or

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<sup>1</sup> Title amended by LGBl. 2007 No. 191.

<sup>2</sup> Article 25c inserted by LGBl. 2007 No. 191.

d) its storage involves significant costs or difficulties.

6) Possible sale proceeds shall compensate for the sold item of property. If proceeds cannot be paid to the person entitled within three years or the assets are not handed over, they shall be deemed to be forfeited.

Article 25e<sup>3</sup>

*Cash controls*

1) To prevent and combat money laundering and terrorist financing, the National Police may – in the context of controlling cross-border cash transactions – demand information of persons concerning the following:

- a) the person questioned;
- b) the import, export and transit of cash in the amount of at least 10,000 francs or the equivalent in a foreign currency;
- c) the origin and intended use of the cash;
- d) the beneficial owner.

2) In the case of suspicion of money laundering or terrorist financing, the National Police may also demand information if the amount of the cash imported to Liechtenstein or to be imported, transited or exported does not reach the threshold of 10,000 francs or the equivalent in a foreign currency.

3) The National Police may seize cash for the purpose of securing evidence for criminal proceedings as well as in view of expected confiscation in accordance with article 25c.

4) The National Police shall without delay notify all cases of suspicion to the Financial Intelligence Unit and shall report such cases to the Office of the Public Prosecutor.

5) The following shall be considered cash:

- a) Cash in the form of banknotes or coins, irrespective of the currency, provided they are circulated as means of payment;
- b) transferable bearer instruments, stocks, bonds, cheques and similar securities.

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<sup>3</sup> Article 25e inserted by LGBL 2011 No. 344.

## V. International administrative assistance<sup>4</sup>

### A. In general<sup>5</sup>

#### Art. 31

##### Data processing in general

1) The Liechtenstein police may process personal data - including sensitive data (in particular on administrative and criminal prosecution and sanctions) and personal profiles - of the persons listed below, as far as this is necessary for the police to perform their legal duty:

a) persons against whom police action is directed, in particular persons:

1. who endanger or disturb or have endangered or disturbed public security and order;

2. who are ready to use violence;

3. against whom an investigation under the Criminal Procedure Code has been initiated;

4. concerning whom there are concrete indications that they are going to commit criminal offences;

5. who can be proven to have used violence during sports events in Liechtenstein and abroad;

6. concerning whom there are concrete indications that they endanger the existence of the State (State security);

b) injured persons;

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<sup>4</sup> Heading preceding article 35 amended by LGBl. 2010 No. 394. Entered into force 19 December 2011 pursuant to LGBl. 2011 No. 565.

<sup>5</sup> Heading preceding article 35 inserted by LGBl. 2010 No. 394. Entered into force 19 December 2011 pursuant to LGBl. 2011 No. 565.

- c) persons who are helpless or missing;
  - d) witnesses or informants;
  - e) persons who are in danger, or persons concerning whom there are concrete indications that they will become the victims of criminal offences;
  - f) persons whose special knowledge or abilities are required to avert danger;
  - g) persons responsible for installations or facilities that are a potential source of substantial danger;
  - h) persons responsible for installations or facilities that are subject to danger;
  - i) persons pursuant to special legislation (Art. 2 (3)), in particular pursuant to tourism, firearm, and explosives legislation;
  - k) persons for the purpose of carrying out the instructions received from offices of the Liechtenstein administration, administrative authorities, and courts (Art. 2 (1)(l));
  - l) persons who have been reported to the Liechtenstein police in the following capacities by foreign law enforcement authorities or organisations in the course of international police cooperation:
    - 1. as suspects, injured persons, or informants in the course of criminal investigation proceedings;
    - 2. in connection with police activities for the prevention of criminal offences; or
    - 3. in connection with the search for missing persons or the identification of unknown persons.
- 2) Data in terms of para. (1) may only be processed for the purpose for which the data has been obtained. However, further processing for other purposes is admissible as far as the Liechtenstein police may obtain the data for such other purposes, too.
- 3) Data in terms of para. (1) must be obtained in such a way that the person concerned is aware of the fact, except where this:

a) would endanger the performance of police duties or render it considerably more difficult; or

b) would involve disproportionate efforts.

4) If the obtainment of data in terms of para. (1) is not noticeable for the person concerned, that person must be informed later as soon as the purpose of the processing of data is no longer endangered by such information. There shall be no notification if further data would have to be obtained in a disproportionate amount to do so.

#### Art. 32

##### Special duty to report and inform

1) Offices of the Liechtenstein administration, the administrative authorities, and the courts are obliged to:

a) inform the Liechtenstein police on the result of facts reported by them as far as the outcome of the corresponding proceedings may influence the correctness of the police data;

b) provide information to the Liechtenstein police if that information appears necessary to detect, prevent, and fight any danger to the existence of the State and its institutions (State security);

c) report to the Liechtenstein police on their own initiative if during the performance of their duties:

1. they note concrete danger to internal security;

2. they have information available on persons who have behaved violently during sports events in Liechtenstein and abroad.

2) The Liechtenstein police shall verify whether that data is accurate and relevant for the execution of its duties. It shall destroy inaccurate or irrelevant data.

## Art. 33

## Use of video and audio recordings during mass events

1) During or in connection with public events and demonstrations, the Liechtenstein police may record persons or groups of persons as well as their statements on video and audio storage media if concrete indications justify the assumption that there will be danger to public security and order.

2) The requirements for video and audio recordings are met in particular where:

a) violence is incited in the run-up to an event or demonstration;

b) acts of violence have already been committed in the past with similar events or demonstrations;

c) spontaneous violence is to be expected due to the organisation, the participants, or the content of an event or demonstration, or due to the general political climate;

d) violent acts are to be expected during sports events.

3) Video and audio recordings on which individual persons can be identified may only be processed:

a) to determine the perpetrator of a criminal offence;

b) in individual cases, to prevent a criminal offence listed in § 103 (1) of the Criminal Procedure Code, or for State security;

c) to document police operations with regard to possible criminal or disciplinary proceedings and official liability claims against the police; or

d) for the internal training of police officers.

4) The identification of individuals is only admissible as far as this is indispensable for the purposes listed in para. 3 (a) to (c). The identification of individuals pursuant to para. 3 (d) shall be subject to Art. 34c (2).

5) Video and audio recordings shall be destroyed no later than 30 days after the event or demonstration unless they are required for the purposes listed in para. (3).

#### Art. 34

##### Use of video surveillance in public places

1) The Liechtenstein police may use surveillance of individual and specific public places by video transmission and record the transmitted images in order to:

a) prevent criminal offences (Art. 2 (1)(d)) if criminal offences have repeatedly been committed at these locations, or if the nature of these locations favour the commission of criminal offences, provided that there are facts that justify the assumption that criminal offences are committed at that location;

b) risk prevention and defence against grave danger to life, limb, freedom, or property in connection with the guarding of persons or items.

2) In the cases of para. (1)(a), video surveillance shall be announced by suitable measures unless it is obvious that it is happening.

3) The data recorded pursuant to para. (1) may only be used for criminal prosecution and for the prevention of criminal offences (Art. 2 (1)(d)) or to perform duties pursuant to Art. 2 (2) (State security) if there are facts that justify the assumption that a person will in the future commit criminal offences or endanger the existence of the State and its institutions. As far as the data is not used for these purposes, it shall be deleted after 30 days at the latest.

## Art. 34a

## Special means for data collection

1) Without violating the secrecy of correspondence, mail, and communication, the Liechtenstein police may use the means listed in para. (2) to obtain data of persons concerning which there are concrete indications that they are going to commit criminal offences and of their contacts or the persons accompanying them only if:

a) the collection of data is not possible in any other way without danger to the performance of duties;

b) the measure is not disproportionate to the importance of the facts to be clarified; and

c) this is necessary:

1. to avert grave danger;

2. to prevent a criminal offence listed in § 103 (1) of the Criminal Procedure Code; or

3. for State security (Art. 2 (2)).

2) The means in terms of para. (1) shall be the following:

a) observation intended, actually performed, and planned for a continuous period of more than 48 hours or on more than five days, including the use of certain technical means to ascertain the facts or to determine the whereabouts of the person concerned (long-term observation);

b) the concealed use of technical means to produce images or video recordings and to listen to or record the spoken word;

c) the deployment of police officers under a cover (undercover agents);

d) the deployment of other persons whose cooperation with the police is unknown to third parties (police informers).

3) The Liechtenstein police may collect data at or from non-public locations using the means listed in para. (2)(b) without the consent of the entitled party only where this is indispensable to defend against an



imminent and grave danger to the life, limb, or freedom of a person or against imminent and grave danger of substantial damage to property. Such means may be used for the objectives of Art. 2 (2) (State security) only where:

a) a specific person, organisation, or group is suspect of concretely endangering the existence of the State or its institutions (presumed threat);

b) the gravity and type of the danger justifies it;

c) concrete and current facts and events justify the assumption that a presumed threat will use such non-public location to:

1. meet with third parties;

2. hide himself or third parties;

3. store material there; or

4. pursue activities that in any other way serve his purposes; and

d) the fundamental rights of the persons concerned are infringed only as far as necessary.

4) The use of means pursuant to para. (2) may only be ordered by the Police Chief. If any means from para (2)(b) at or from non-public locations without the consent of the entitled party is ordered for the purpose of State security, the approval of the Court of Justice shall be obtained forthwith.

5) A suitable time-limit shall be put on the ordering of special means for data collection. Written grounds shall be included in the files.

6) As far as this is necessary for creating and maintaining the cover of an undercover agent, suitable documents may be produced or modified. Also, the competent authorities shall at the request of the Government member competent for the Liechtenstein police under the rules for the allocation of Government duties also issue the relevant public documents. The undercover agent may take part in legal transactions under the cover to fulfil his mission. Also, he may enter the abode of the entitled parties with their consent. Otherwise, his powers shall be those

laid down in this Act. The deployment of undercover agents shall be subject to § 9 of the Criminal Procedure Code mutatis mutandis.

7) Police informers may also be deployed for compensation. The Liechtenstein police shall document this suitably.

8) Persons against whom the measures pursuant to para. 2 are directed shall be informed of this after the measure has been completed as soon as this will no longer thwart the purpose of the data processing. There shall be no information by the Liechtenstein police if:

a) a criminal investigation has been initiated against the person concerned for the same facts;

b) no recordings with data have been produced, or any such recordings have been destroyed immediately after the measure has ended; or

c) if further data would have to be obtained in a disproportionate manner to do so.

#### Art. 34b

##### Information systems

1) For the performance of its duties, the Liechtenstein police may maintain electronic information systems, which may also contain sensitive personal data - in particular on administrative or criminal prosecution and sanctions - or personal profiles.

2) The information systems in terms of para. (1) shall serve the following purposes:

a) to draw up reports and situation assessments;

b) to document police events and police actions;

c) to support the averting of danger, to prevent criminal offences, for prosecution, and for State security;

d) analysis and research;

e) the exchange of data with or the acceptance of data from other offices of the Liechtenstein administration, administrative authorities, and courts;

f) the exchange of data with foreign police, security, and customs authorities as well as security organisations within the framework of international treaties;

g) file and data administration;

h) the creation and evaluation of statistics.

3) Information systems in terms of para. (1) may in particular contain the following data:

a) personal data, such as:

1. master data on the identities of individuals and legal entities;

2. procedures, in particular administrative and criminal prosecution or sanctions;

3. identification data (Art. 24a (4));

4. data on wanted persons;

5. detention data;

b) case data, such as:

1. facts;

2. forensics;

3. items;

4. vehicles;

5. evidence items;

c) image and audio recordings;

d) data for file management and audits.

4) The data of the information systems in terms of para (1) may be broken down by persons, objects, and events, and may be interconnected. If data is interconnected, that data shall be subject to the corresponding rules for data processing and limitation of access. Para. (6) shall remain reserved.

5) Interconnection in terms of para. (4) may also happen in such a way that Liechtenstein police personnel may - within the limits of their access rights - check by a single query and using their own query patterns whether certain persons or organisations are listed in one or more systems. Suitable data from other information systems of the Liechtenstein administration may also be included for this purpose as far as such data is accessible to the Liechtenstein police on the basis of an Act on a query procedure.

6) Data that are processed in information systems in connection with the prevention of criminal offences (Art. 2 (1)(d)) or for the purposes of State security Art. 2 (2)) shall be kept separate from other information systems.

7) Data on wanted persons may also be processed jointly with the Swiss authorities in an automated search register.

8) The Government shall regulate details by ordinance, in particular concerning:

- a) the individual information systems;
- b) the data categories pursuant to para. (3);
- c) the access rights of other offices, as far as the data is necessary for them to perform their duties.

Article 35<sup>6</sup>*Basic principle*

1) The National Police may request foreign law enforcement authorities or organizations to transmit personal data or carry out other official acts when necessary to perform its duties.

2) The National Police may provide administrative assistance in accordance with article 35a to foreign law enforcement authorities or organizations:

- a) on request, if necessary for the foreign law enforcement authorities or organizations to perform their duties within the meaning of article 2 and if mutuality exists;
- b) of its own accord, if this might be significant to the recipient in a given case to help defend against concrete threats to public security and order or to prevent and combat criminal offenses.

3) No administrative assistance may be granted if there is reason to believe that:

- a) such assistance would violate the public order or other essential interests of Liechtenstein;
- b) the object of the fact pattern in question concerns a criminal matter relating to duties, taxes, customs or foreign currency;
- c) sensitive interests of the person concerned or third parties would be violated, especially if rights granted by the Convention of 4 November 1950 for the Protection of Human Rights and Fundamental Freedoms are violated in the recipient State or if adequate data protection under article 8 of the Data Protection Act would not be guaranteed;
- d) the requesting law enforcement authority or organization would use such information for political, military, religious or racist purposes.

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<sup>6</sup> Article 35 amended by LGBl. 2007 No. 191.

4) Personal data transmitted to foreign law enforcement authorities or organizations may be used for purposes other than those giving rise to the transmission only with prior consent of the National Police. This must be communicated to the requesting entity. Consent shall be granted only if transmission of the data would have been permissible also for such purpose.

5) The National Police is required to record the occasion, content, receiving entity and time of the data transmission. The record may be used only to verify permissibility of the transmission.

6) The National Police must notify a foreign law enforcement authority or organization if personal data transmitted to such authority or organization was processed incorrectly or unlawfully and accordingly must be corrected or deleted.

#### Article 35a<sup>7</sup>

##### *Type of administrative assistance*

1) The National Police may grant administrative assistance by:

- a) transmitting personal data, including especially sensitive personal data, in particular regarding administrative or criminal prosecutions and punishments, as well as personality profiles;
- b) granting and supporting foreign covert investigations on Liechtenstein territory;
- c) other measures not requiring a court order.

2) Obtaining personal data for the purpose of administrative assistance pursuant to paragraph 1 (a) is permissible only through:

- a) the use of data processed by the National Police in the performance of its duties;
- b) obtaining information from other administrative offices of the National Public Administration, administrative authorities and the courts;
- c) police interrogations;
- d) observation, if such observation constitutes an essential precondition for the effective granting of administrative assistance.

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<sup>7</sup> Article 35a inserted by LGBl. 2007 No. 191.

3) Administrative assistance pursuant to paragraph 1 (b) shall require authorization by the Chief of Police. Authorization may be granted only if clarification of the fact pattern for the purpose of performing police duties within the meaning of article 2 would be hopeless or significantly more difficult without the planned investigative measure and if mutuality exists.

4) With the consent of the Chief of Police, organs of foreign law enforcement authorities may be present during police interrogations and observations, to the extent necessary for the performance of their police duties within the meaning of article 2 and to the extent mutuality exists. These organs may not, however, carry out official acts for the requesting State. In the case of a police interrogation, the person concerned shall be informed of the presence of the organ of a foreign law enforcement authority.

#### Article 35b<sup>8</sup>

##### *Reservation*

These provisions are subject to the provisions of the Mutual Legal Assistance Act as well as international agreements and obligations.

#### Art. 36

##### Contraventions

The Court of Justice will impose a fine of up to 5,000 Swiss francs - if uncollectible, to be replaced by detention for up to one month - for contravention upon anyone who:

- a) violates a prohibition of entering in terms of Art. 24g;
- b) violates a local exclusion order, a travel ban, or an obligation to regularly report to the police pursuant to Art. 26 (1).
- c) refuses to provide information in terms of Art. 25e (1)(a) or (b) or provides false information in this regard.

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<sup>8</sup> Article 35b inserted by LGBl. 2007 No. 191.

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**Ordinance**  
of 31 May 2011  
**on Online Gambling Games (OGGO)****3. Delegating tasks and activities of the providers of online gambling games to third parties**

## Article 41

*Principle*

1) The validity of agreements by way of which the provider of online gambling games delegates game-relevant tasks to third parties is subject to the prior approval of the Office of Economic Affairs. Game-relevant tasks shall include in particular duties of the provider of online gambling games which:

- a) require special approval pursuant to article 20;
- b) concern the processing and monitoring of gambling games and the flow of money including the payment transactions between the provider and the player.

2) The Office for Economic Affairs shall refuse to grant its approval in particular where the agreement:

- a) concerns duties which are deemed to be core duties of the provider of online gambling games pursuant to (3);
- b) could impair the external independence of the provider of online gambling games;
- c) exceeds a cost/performance ratio customary in the market;
- d) does not allow the Office for Economic Affairs to get an overall picture of the cooperation, the division of the duties and responsibilities between the provider of the online gambling games and the contracting partner as well as the financial remuneration between the contracting parties.

3) Subject to article 20 et seqq., core duties of the gaming operation shall in particular be measures:

- a) with a direct effect on the gross gaming revenue;
- b) to implement a safety concept;
- c) to implement the due diligence concept, subject to the express provisions on the delegation of individual due diligence obligations pursuant to article 14 DDA.

## Article 58

*Means of payment*

1) Payments by the player by way of debit and credit cards shall be credited to his or her client account without undue delay. They may only be cleared for participation in gambling games once the card issuer has approved the transaction.

2) The provider of online gambling games may only accept payments from the player made by way of debit and credit cards, bank and postal accounts, e-wallets and the like if the cards or the accounts are in the player's name. It may not accept payments made by cards, accounts and the like which are in the name of a legal person.

3) The provider of online gambling games is prohibited from providing loans, credit or advances to the player. It may not direct players to third parties who could grant them loans, credit or advances.



## **X. Due diligence obligations to prevent money laundering, organized crime, and terrorism financing**

### **A. General considerations**

#### Article 123

##### *Applicable law*

1) Unless the provisions of this Chapter provide otherwise, the provisions of the Due Diligence Ordinance (DDO) shall apply.

2) The provisions on occasional transactions shall always apply where there is no ongoing business relationship pursuant to article 125 (2).

### **B. Due diligence obligations**

#### **1. Establishing and verifying the identity of the player; special documentation duties**

#### Article 124

##### *Processing an occasional transaction*

1) The provider of online gambling games shall establish the identity of the player when processing the following occasional transactions and verify this by inspecting a document with probative value:

- a) accepting payments from the player of 25,000 Swiss francs or more, especially payments made by debit and credit cards, bank and postal accounts, e-wallets and the like, irrespective of whether these payments:
  - 1. are made directly by the player to the provider or processed indirectly via a financial intermediary;
  - 2. are made in one transaction or in several transactions which appear to be connected;
- b) payments to the player in excess of 5,000 Swiss francs, in particular to debit and credit cards, bank and postal accounts, e-wallets and the like, irrespective of whether these payments are made directly by the provider to the player or are processed indirectly by a financial intermediary;
- c) issuing and cashing checks.

#### Article 125

##### *Initiating an ongoing business relationship*

1) When initiating an ongoing business relationship the provider shall establish the identity of the player and verify this on the basis of a document with probative value.

2) An ongoing business relationship shall be where the provider of online gambling games:

- a) provides the player with a client account which has a balance of 25,000 Swiss francs or more;
- b) provides the player with an electronic carrier medium for game credit which is used for more than one gaming day and which has credit on it of more than 5,000 Swiss francs; or
- c) issues a client card which is recognized by the provider as proof of identity.

## Article 126

### *Documents with probative value*

1) Documents with probative value shall be the identity documents pursuant to article 7 and 10 DDO.

2) If the player cannot obtain an official identity document from his home country, he must provide confirmation of his identity from the authority responsible for his place of residence.

3) Further to consultation with the FMA, the Office for Economic Affairs can approve the use of client cards as documents with probative value if these make it possible to perfectly establish and verify the identity and have been created on the basis of an official identification document of which the provider of online gambling games has retained a copy.

4) When an ongoing business relationship is commenced, the provider of online gambling games shall verify the identity by obtaining the original or a certified copy of the document with probative value and:

- a) have the information pursuant to article 127 confirmed by signature or use of a secure electronic signature pursuant to article 2 (1) (d) or article 24 (3) of the Signature Act by the player; or
- b) verify the residential address of the player by sending a registered letter with receipt or in another comparable manner.

## Article 127

### *Information to be collected and documented*

1) The provider of online gambling games shall collect and document the player's last name, first name, date of birth, country of residence and nationality.

2) In the case of ongoing business relationships, the provider of online gambling games must clarify whether the player is a politically exposed person pursuant to article 2 (1) (h) DDA.

3) If the player comes from a country that does not use dates of birth or residential addresses, this data shall not be required. The grounds for the exception shall be documented in the due diligence file.

## **2. Establishment and verification of the identity of the beneficial owner**

## Article 128

### *Principle*

The provider of online gambling games may assume that the player and the beneficial owner are one and the same person unless:

- a) the business relationship is ongoing;
- b) it carries out an occasional transaction in accordance with article 132;
- c) it must assume that the assets which the player pays in, uses or deposits exceed his financial circumstances;
- d) contact to the player results in other unusual findings.

## Article 129

### *Written declaration by the player*

1) The provider of online gambling games must collect and document the player's last name, first name, date of birth, residential address, country of residence and nationality in order to establish and verify the identity of the beneficial owner.

2) It must have the accuracy of the information confirmed by the player by way of signature by his own hand or by way of a secure electronic signature pursuant to article 2 (1) (d) or article 24 (3) of the Signature Act.

3) In the case of ongoing business relationships, the provider of online gambling games must clarify whether the beneficial owner is a politically exposed person pursuant to article 2 (1) (h) DDA.

4) If the beneficial owner comes from a country that does not use dates of birth or residential addresses, this data shall not be required. The grounds for the exception shall be documented in the due diligence file.

5) If, during the course of an ongoing business relationship, doubts arise as to the identity of the beneficial owner, the provider of the online gambling games shall repeat the establishment and verification of the identity of the beneficial owner and document this in the due diligence file.

### **3. Business profile**

#### Article 130

##### *Principle*

1) In the case of ongoing business relationships the provider of online gambling games must establish a profile of the business relationship with the following information:

- a) player and beneficial owner;
- b) authorized parties acting in dealings with the provider;
- c) economic background and origin of the assets;
- d) profession and business activity of the beneficial owner.

2) The provider of online gambling games shall ensure that the data and information contained in the business profile are kept up-to-date. The amount of detail required for the information pursuant to (1) shall be proportionate to the risk arising from the ongoing business relationship.

3) In the framework of the business profile pursuant to article 8 DDA, the provider of online gambling games shall divide the players identified on the basis of article 125 et seq. into at least two categories:

- a) players who meet one or more than one risk criterion pursuant to article 134 (2) and (3) (“higher risk”); or
- b) players who do not meet any such risk criterion or with respect to whom no such risk criterion has resulted from in-depth clarification.

4) It shall verify the categorization in accordance with (3) on an annual basis and submit this to the auditing body in the framework of the ordinary audit.

### **4. Risk-adequate monitoring**

#### Article 131

##### *Principle*

1) The provider of online gambling games shall check its lists of identified persons against the official lists of persons against whom immediate execution measures have been levied in accordance with the Act on the Enforcement of International Sanctions (ISA) within 10 days of publication of each official updated list.

2) It shall include the official lists pursuant to (1) in the lists of gaming prohibitions pursuant to article 22 of the Act.

3) It shall refuse those persons, against whom immediate execution measures have been levied in accordance with the ISA, participation in the gambling games and the initiation of ongoing business relationships.

## Article 132

### *Monitoring in the case of occasional transactions*

The provider of online gambling games shall document the following occasional transactions in a player-related manner and additionally monitor them in cases of enhanced due diligence obligations pursuant to article 134.

## Article 133

### *Monitoring in the case of ongoing business relationships*

1) The provider of online gambling games shall ensure a risk-adequate monitoring of its ongoing business relationships.

2) It shall document all transactions in the course of an ongoing business relationship.

## **5. Enhanced due diligence obligations**

## Article 134

### *Criteria and measures for ongoing business relationships and occasional transactions with higher risks*

1) The provider of online gambling games shall allocate the respective ongoing business relationships and occasional transactions with higher risks in accordance with the internal instructions on the basis of the criteria set out in article 138. Ongoing business relationships with higher risks must be more intensively monitored.

2) Possible criteria for ongoing business relationships and occasional transactions with higher risks are, in particular:

a) domicile or place of residence of the player and the beneficial owner or their nationality;

b) type and place of the player's business activity and that of the beneficial owner;

c) amount of the assets paid in, used or deposited;

d) amount of assets paid out;

e) a significant deviation from the transaction types, volumes or frequencies usual for the ongoing business relationship;

f) a considerable deviation of the transaction from the business profile either in terms of type, volume or frequency;

g) country of origin or target country of bank transfers for the benefit of the player.

3) In the following cases ongoing business relationships and occasional transactions with higher risk must always be assumed:

a) in the case of ongoing business relationships with politically exposed persons;

b) where 50,000 Swiss francs or more are paid in at any one time.

4) Additional measures to be set out in the internal instructions pursuant to article 138 are those pursuant to article 23 (3) (a), (b), and (d) DDO.

## **6. Documentation and internal organization**

## Article 135

### *Documentation duty*

1) The provider of online gambling games shall document observance of the due diligence obligations in accordance with the Act and the DDA in the due diligence files.

2) The due diligence files shall contain the documents and evidence created and compiled to comply with the provisions of the Act and the DDA. They must contain, in particular:

- a) the documents and documentation which have served to establish and verify the identity of the player and the beneficial owner;
- b) the business profile pursuant to article 130;
- c) the player-related documentation of the occasional transactions pursuant to article 132 and the ongoing business relationships pursuant to article 133;
- d) the documentation of all clarifications pursuant to article 133 and all documents and evidence collected in this connection;
- e) the documentation regarding the measures taken pursuant to article 134;
- f) any reports to the FIU pursuant to article 17 (1) DDA.

3) The documents and documentation pursuant to (2) (a) and (b) are player-related documents, those pursuant to (2) (c) to (f) are transaction-related documents and evidence.

#### Article 136

##### *Internal annual report*

1) In addition to the information pursuant to article 30 (1) (a) to (c) DDO, the internal annual report of the provider of online gambling games must contain the following information in particular:

- a) the number of ongoing business relationships and how this number has changed (total, new, and terminated) vis-à-vis the previous year;
- b) the number of occasional transactions pursuant to article 124 (1) and how this number has changed (total, new, and terminated) vis-à-vis the previous year;
- c) the number of ongoing business relationships and occasional transactions with higher risks pursuant to article 134 (2) and (3);
- d) the number of persons responsible for the due diligence concept and the number of all of the employees of the provider of online gambling games who have contact with money or guests or who have management duties which are relevant for due diligence purposes, who carried out management duties relevant for due diligence purposes in the preceding calendar year and how this number has changed vis-à-vis the previous year.

2) The annual report shall be transmitted to the FMA annually by the end of April of the following year without request.

#### Article 137

##### *Due diligence concept*

1) The provider of online gambling games shall maintain a due diligence concept pursuant to article 11 of the Act which ensures that:

- a) the duties imposed by the Act and the due diligence legislation are met;
- b) the special due diligence obligations of providers of online gambling games, particularly those pursuant to article 31, 67 (2), 68, and 69 of the Act and those pursuant to article 23 (2) and 124 to 140 of this Ordinance are met;
- c) the auditing body pursuant to article 37 of the Act is assigned the mandate prescribed by statute;
- d) the reporting to the Office for Economic Affairs and the FMA is carried out.

2) The administration or management of the provider of online gambling games is responsible for issuing and updating the due diligence concept.

## Article 138

### *Internal instructions*

1) The provider of online gambling games shall issue internal instructions on how the due diligence obligations and the related duties under the Act and the DDA must be specifically met and shall make these known to all persons responsible for the due diligence obligation and all of the employees of the provider of online gambling games with due diligence-relevant obligations.

2) In addition to the information pursuant to article 31 (2) (a) to (d), (g) and (i) DDO, the internal instructions must contain the following, in particular:

- a) the criteria and measures pursuant to article 134;
- b) the main features of the training and further training pursuant to article 140.

## Article 139

### *Non-negotiable checks*

1) The provider of online gambling games shall keep a special register of the non-negotiable checks accepted and issued.

2) All of the non-negotiable checks issued by the provider shall be printed with: "This document confirms neither wagers nor a win".

## Article 140

### *Training and further training*

1) The persons responsible for the due diligence concept and all of the provider of online gambling games' employees with due diligence-related obligations shall complete training and further training on the aspects of the prevention of money laundering, organized crime, and terrorism financing essential for their function. The obligatory training and further training shall consist of basic training, which they must complete within six months of commencing the job, and further training on an annual basis. The trainees shall receive confirmation of their attendance. This shall be submitted to the FMA on request.

2) The training and further training shall be provided by qualified persons or institutions.

3) The training and further training shall be documented.

## **XI. Final provisions**

## Article 141

### *Evaluation report*

The government shall record in the evaluation report pursuant to article 96 of the Act, in particular, the experience with the approved providers of online gambling games in respect of meeting the statutory targets and the economic and business situation.

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## Ordinance

of 20 December 2011

### on the Central Register of Persons (CRP Ordinance)

Pursuant to article 20 of the Law of 21 September 2011 on the Central Register of Persons (CRP Act), LGBl. 2011 No. 574, the Government enacts the following Ordinance:

#### I. General provisions

##### Article 1

###### *Object*

This Ordinance governs the details concerning the content of the Central Register of Persons (CRP) and the procedure to apply for a licence for data retrieval.

##### Article 2

###### *Designations*

The designations of persons and functions used in this Ordinance shall be deemed to include members of the male and female gender.

## II. Content of the CRP

### Article 3

#### *Master data of natural and legal persons*

- 1) The CRP shall contain the following personal master data of natural persons:
  - a) Identity data: last name, last name at birth, family name, first name, first name at birth, nickname, form of address, title, gender, and date of birth;
  - b) Address data: street, house number, building number, apartment number, postal code, town, municipal number, country, communication data, post office box, indication of address, abode, and house reference person;
  - c) Civil status data: civil status, date of marriage or establishment of registered partnership, date of death, place of event, place of origin, citizenship, personal relationships, and place of birth.
- 2) It shall contain the following master data of legal persons:
  - a) name, legal form, sector, type of business, purpose, capital, registered office of the company, address, size category, assumption of activity, formation date, register number, and number of representative;
  - b) data on governing bodies, date of relocation, date of opening of bankruptcy proceedings, liquidation data, and deletion date.

### Article 4

#### *Specialized data*

The CRP shall contain the following specialized data:

- a) Data on employment relationship: employer, activity, job level, degree of employment, AHV relevant data, and status of employment;
- b) Passport data and permit data in relation to foreigners: last name and first name in foreign identity papers, nationality, photograph, signature, profession, and replacement appointment.



### **III. Data retrieval**

#### Article 5

##### *Licensing procedure*

- 1) Applications for a licence for data retrieval shall be submitted in writing by the applicant authority to the CRP Commission.
- 2) The application shall be checked for completeness by the chairperson of the CRP Commission. The chairperson may request the authority to amend the application.
- 3) The CRP Commission may decide on the application by way of a circular.

### **IV. Final provision**

#### Article 6

##### *Entry into force*

This Ordinance shall enter into force at the same time as the Law of 21 September 2011 on the Central Register of Persons.

The Government:  
signed *Dr. Klaus Tschütscher*  
Prime Minister

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**Ordinance**

of 11 February 2003

**on the Commercial Register  
(Commercial Register Ordinance; CRO)**

## 6. Cooperative Society

## Art. 77

## Documentation at formation

1) The following documentation shall be submitted to the Office for Justice with the application for the new registration of a cooperative society (Art. 432 PGR):

- a) the minutes of the constituent general meeting;
- b) a copy of the articles of association signed either by the chairperson and the keeper of the minutes of the constituent general meeting or by all founders;
- c) if the articles oblige the members to personal liability or to additional contributions, the register of members (Art. 461 et sqq. and Art. 468 et sqq. PGR);
- d) the declaration of the auditors that their appointment is accepted, unless this is evident from the basic act or from the application for registration;
- e) the declaration from the founders that there have been no contributions in kind, no items taken over, and no set-offs, and that no founder's privileges or other special privileges have been granted, or that there have been no other contributions in kind, no other items taken over, and no other set-offs and that no other founder's privileges or other special privileges have been granted than those mentioned in the articles and in the founders' report (Art. 434 (2) PGR).

2) If the cooperative society is formed with contributions in kind, items taken over, set-offs, or special privileges, the application for registration shall also come with the agreements for contributions in kind and, as far as available, the agreements for the takeover of items with enclosures, and the founders' report (Art. 434 (2) PGR).

Article 91a<sup>3</sup>

*Information to third parties*

1) With the exception of disclosing valid existence, no information may be disclosed to third parties about a foundation not entered in the Commercial Register, subject to disclosure of the representative or authorized recipient to domestic prosecution authorities, the FIU, and the Liechtenstein Financial Market Authority.

2) For the performance of its duties, the Office of Justice shall be entitled to compile and administer electronically the information disclosed to it about foundations as referred to in paragraph 1. Forwarding this information as well as deposited documents to other authorities shall not be permissible, with the exception of forwarding such information and documents to the Liechtenstein Office of the Public Prosecutor.

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<sup>3</sup> Article 91a amended by LGBl. 2013 No. 1

Art. 100a<sup>3</sup>

*Information to third parties*

1) With the exception of disclosing valid existence, no information may be disclosed to third parties about a trust relationship deposited in the Commercial Register, subject to disclosure of the representative or authorized recipient to domestic prosecution authorities, the FIU, and the Liechtenstein Financial Market Authority.

2) For the performance of its duties, the Office of Justice shall be entitled to compile and administer electronically the information disclosed to it about trust relationships merely deposited in the Commercial Register. Forwarding this information as well as deposited documents to other authorities shall not be permissible, with the exception of forwarding such information and documents to the Liechtenstein Office of the Public Prosecutor.

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<sup>3</sup> Article 100a amended by LGBl. 2013 No. 12.

**Law on Persons and Companies (Persons and  
Companies Act, PGR)<sup>1</sup>**

of 20 January 1926

Second Part

**The Legal Entities (Legal Persons)**

Third Title

**General Provisions**

*A. Legal Personality*

*I. Preconditions*

Article 107

*2. Purpose and Object*

4a) Where the Act refers to non-profit making (common-benefit) or charitable purposes, this shall include such purposes the fulfilment of which is of benefit to the general public. In particular, there is deemed to be a benefit to the general public if the activity serves the common good in a charitable, religious, humanitarian, scientific, cultural, moral, social, sporting, or ecological sense, even if only a specific category of persons benefits from the activity.<sup>2</sup>

Article 113

*I. Domicile*

1) Unless its articles of association stipulate otherwise, the domicile of a legal entity shall be located at the place where it has its focus of management activity, subject to provisions concerning domicile in an international context.

2) The domicile of the legal entity is by virtue of private law equated with the residence of the individual persons.

3) A legal entity can in addition to its domicile have one or more branch establishments (branch offices).

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<sup>1</sup> Title amended by LGBl. 2008 No. 224.

<sup>2</sup> Article 107, paragraph 4a inserted by LGBl. 2008 No. 220.

## Article 180a

1) At least one member of the administration of a legal entity authorized to manage and represent must be a citizen of a Contracting Party to the Agreement on the European Economic Area, a person considered equivalent under an international agreement, or a legal person and must have a licence issued pursuant to the Professional Trustees Act.<sup>3</sup>

2) Citizens of a Contracting Party to the Agreement on the European Economic Area or considered equivalent under an international agreement who have evidence of training under article 2 of the Professional Trustees Act and have worked full-time for at least one year for an employer in Liechtenstein authorized to act as a professional trustee and who perform their activities within the meaning of paragraph 1 in the framework of this employment shall be considered equivalent. Persons who are not citizens of a Contracting Party to the Agreement on the European Economic Area and who are not considered equivalent under an international agreement must have a permanent residence permit in Liechtenstein.<sup>4</sup>

3) Legal entities shall be exempt from the obligation under paragraph 1 which, pursuant to the Commercial Code or another special law, are required to have a general manager or which are supervised by the Government, a municipality, or another authority. This shall not apply to foundations subject to supervision in accordance with article 552 § 29.<sup>5</sup>

4) Anyone intending to perform the activities under paragraphs 1 and 2 shall notify this to the Government. The Government shall review whether the conditions are met, shall issue a confirmation where appropriate, and shall keep a list of the persons concerned. Changes to the circumstances must be notified to the Government immediately.<sup>6</sup>

5) By ordinance, the Government shall regulate the procedure and may assign the acts under paragraph 4 to an administrative office for independent execution, subject to recourse to the collegial Government.<sup>7</sup>

## Article 232

### *I. Foreign or domestic legal entities and applicable law*

1) According to how a legal entity is organized under foreign or domestic law, i.e. its articles of association declare that foreign or domestic law is applicable or they fulfil foreign or domestic publicity or registration provisions or if such provisions do not exist, with regard to private law it is to be treated as a foreign or domestic legal entity and the relevant foreign or domestic law shall apply to it. In an international context it also has its domicile there.

2) If a legal entity does not fulfil these prerequisites, it shall be governed by the law of the state in which it is in fact managed.

3) The provisions concerning diplomatic protection and the protection of personal rights shall remain reserved.

<sup>3</sup> Article 180a, paragraph 1 amended by LGBl. 2013 No. 75.

<sup>4</sup> Article 180a, paragraph 2 amended by LGBl. 2007 No. 181.

<sup>5</sup> Article 180a, paragraph 3 amended by LGBl. 2013 No. 75.

*II. Liability of the association and its members*

- 1) Only the association's assets shall be liable for the association's debts.
- 2) However, the articles may introduce limited liability or limited obligation to make additional contributions for all members or for certain groups pursuant to the rules applying to registered cooperative societies.
- 3) In that case, the committee shall keep an accurate register of members joining and leaving the association.
- 4) In that case, each member shall sign a declaration of liability or obligation for additional contributions - when joining the association or when such a rule is introduced - if such rule shall apply to such member; otherwise, such member shall be considered to have left the association, subject to his existing obligations and lacking other provisions of the articles.

Article 326a<sup>8</sup>

*e) Deposit*

- 1) Bearer shares shall be deposited with the custodian (article 326b).
- 2) Paragraph 1 shall not apply to:
  1. Bearer shares of listed companies;
  2. Bearer shares of undertakings for collective investment in transferable securities as well as investment funds and investment companies.
- 3) Paragraph 1 shall also apply to coupons not attached to the bearer share.

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<sup>6</sup> Article 180a, paragraph 4 inserted by LGBI. 2003 No. 23.

<sup>7</sup> Article 180a, paragraph 5 inserted by LGBI. 2003 No. 23.

<sup>8</sup> Article 326a inserted by LGBI. 2013 No. 67.



## Article 326b<sup>9</sup>

### *f) Appointment of a custodian*

- 1) The company shall appoint a custodian. If the board of directors is not able to decide, the Court of Justice shall appoint a custodian in extrajudicial proceedings.
- 2) Subject to paragraph 3, only persons may be appointed as custodians who:
  1. are subject to the Due Diligence Act or a regulation and supervision abroad equivalent to Directive 2005/60/EC; or
  2. if they are not subject to regulation under point 1, their registered office or residence is in Liechtenstein and they have an account in Liechtenstein or another EEA Member State in the name of the shareholder.
- 3) In the case of legal persons under article 180a, paragraph 3, the custodian need not be subject to the Due Diligence Act or a regulation and supervision abroad equivalent to Directive 2005/60/EC or have a registered office or residence in Liechtenstein; in such cases, an account in Liechtenstein or another EEA Member State in the name of the shareholder shall suffice.
- 4) The custodian shall be entered in the Commercial Register with a reference to the custodian's function.

## Article 326c<sup>10</sup>

### *g) Registration*

- 1) The custodian shall maintain a register in which the following is entered for each bearer share:
  1. the last name and first name, the date of birth, the citizenship, and the residence or the business name and the registered office of the shareholder;
  2. the time of deposit;
  3. in the cases under article 326b, paragraph 2(2) and (3), an account in Liechtenstein or another EEA Member State in the name of the shareholder.
- 2) In relation to the company, the person entered in the register shall be considered the shareholder.

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<sup>9</sup> Article 326b inserted by LGBl 2013 No. 67.

<sup>10</sup> Article 326c inserted by LGBl 2013 No. 67.

- 3) All payments by the company to the shareholder shall be made to the registered account in the cases under article 326b, paragraph 2(2) and (3).
- 4) The register may also be maintained electronically, provided it can be made readable at all times.
- 5) The register shall be kept at the registered office of the company. Article 1059 shall apply mutatis mutandis.
- 6) When requested in writing by the shareholder, the custodian shall immediately issue a confirmation to the shareholder on the number, nominal value, and category of the deposited bearer shares (depository receipt). The depository receipt shall serve as documentary evidence.

Article 326d<sup>11</sup>

*h) Inspection of the register*

- 1) The shareholder shall be entitled to inspect the data relating to the shareholder in the register.
- 2) Domestic authorities and courts may inspect the register and make copies within their scope of competence.

Article 326e<sup>12</sup>

*i) Surrender*

The custodian may surrender bearer shares only:

1. upon termination of the custodian's function, to the successor custodian;
2. upon conversion of the bearer shares into registered shares according to the articles, to the company;
3. upon redemption, retraction, or amortization of bearer shares, to the company.

Article 326f<sup>13</sup>

*k) Assertion of shareholder rights*

Shareholder rights arising from the bearer share may be asserted only if the share is deposited with the custodian and all information about the bearer shareholder has been registered.

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<sup>11</sup> Article 326d inserted by LGBL 2013 No. 67.

<sup>12</sup> Article 326e inserted by LGBL 2013 No. 67.

<sup>13</sup> Article 326f inserted by LGBL 2013 No. 67.

Article 326g<sup>14</sup>

*l) Representation*

- 1) If the shareholder does not exercise the voting rights at the general meeting in person, the custodian may exercise the voting rights for the bearer shares deposited with the custodian. For this purpose, the custodian shall request instructions from the bearer shareholder for casting votes prior to every general meeting.
- 2) If instructions cannot be obtained in time, the custodian shall exercise the voting rights in accordance with a general instruction by the bearer shareholder; if no such instruction exists, the custodian shall follow the proposals of the board of directors.
- 3) The custodian shall demonstrate entitlement to exercise the voting rights by way of a written declaration; this declaration must contain:
  1. a reference to the custodian's function as custodian;
  2. the number, nominal value, and category of the represented bearer shares;
  3. an indication of whether the representation is pursuant to a special, general, or no instruction.
- 4) If a public document is to be issued on the resolution of the shareholders, the declaration referred to in paragraph 3 shall be attached to the document.

Article 326h<sup>15</sup>

*m) Transfer of bearer shares*

- 1) If a shareholder intends to transfer bearer shares, the shareholder must notify this to the custodian.
- 2) The notification under paragraph 1 shall include the last name and first name, the date of birth, the citizenship and the residence or the business name and the registered office of the acquirer of the bearer share.
- 3) The transfer of bearer shares shall become effective upon entry of the acquirer in the register in accordance with article 326c.

Article 326i<sup>16</sup>

*n) Supervision*

- 1) Compliance with the duties as a custodian shall be verified as part of the annual audit or review requirement and confirmed by the person conducting the audit or the review.
- 2) If deficits are discovered, the person conducting the audit or the review shall immediately transmit a report to the Office of Justice. The Office of Justice shall set a deadline and require the custodian to remedy the deficits. If the deficit is not remedied, the Court of Justice shall file a criminal complaint with the Court of Justice.
- 3) The Office of Justice shall likewise immediately file a criminal complaint with the Court of Justice if it learns of one of the following circumstances:
  1. issue of an incorrect confirmation of the deposit of bearer shares under article 326c;
  2. unlawful surrender of bearer shares (article 326e); or
  3. issue of an incorrect confirmation under article 326i, paragraph 1, or failure to make a report under article 326i, paragraph 2.

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<sup>14</sup> Article 326g inserted by LGBl. 2013 No. 67.

<sup>15</sup> Article 326h inserted by LGBl. 2013 No. 67.

<sup>16</sup> Article 326i inserted by LGBl. 2013 No. 67.

Art. 328

*b) Entry in the share register*

- 1) The company shall keep a share register on the owners of registered shares, which register shall contain the names, first names, date of birth, citizenship, and residence, or the firm name and domicile.
- 2) As soon as such a share register has been established, the persons who have been entered in the share register shall be considered to be shareholders in relation to the company.
- 3) Entry shall happen on the basis of evidence of the transfer of the share; if the transfer happened by way of inheritance, on the basis of notice by the heir and/or the probate authority; and if a firm or legal entity has been dissolved, on the basis of notice by the successor.
- 4) The fact that the entry has been made shall be noted by the company on the share document.
- 5) Compliance with the obligation to keep a share register shall be verified in the course of the legal annual obligation of audit/review and shall be confirmed by the person who carried out the audit/review.
- 6) If deficiencies are found, the person who carried out the audit/review shall send a report to the Office for Justice forthwith. The latter shall ask the company to mend the deficiencies, setting a time-limit. If the deficiency is not mended, the Office for Justice shall submit a report to the Court of Justice.

Article 329a<sup>3</sup>

*d) Maintenance and safekeeping of the share ledger*

- 1) The share ledger may also be maintained electronically, provided that it can be made legible at all times.
- 2) The share ledger shall be held in safe custody at the domicile of the company. Article 1059 shall apply mutatis mutandis.

Art. 329b

*e) Inspection of the share register*

- 1) The shareholder may inspect the data kept on him in the share register.
- 2) Domestic authorities and courts may inspect the share register and make copies within the framework of their jurisdiction.

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<sup>3</sup> Article 329a inserted by LGBL 2013 No. 67.

## Article 350

### *III. Auditor*<sup>17</sup>

1) The supreme body shall in all cases elect an auditor.<sup>18</sup>

2) An auditor or auditing company within the meaning of the Auditors' and Auditing Companies' Act (Gesetz über die Wirtschaftsprüfer und Revisionsgesellschaften) must be appointed as auditor of medium-sized and large companies within the meaning of Article 1064. The same applies to small companies within the meaning of Article 1064 whose securities are licensed in an EEA Member State for trading on a regulated market within the meaning of Art. 4 para. 1, subpara. 14 of Directive 2004/39/EC. The auditing of the consolidated annual report is reserved to auditors and auditing companies within the meaning of the Auditors' and Auditing Companies' Act.<sup>19</sup>

3) Repealed<sup>20</sup>

4) Repealed<sup>21</sup>

5) Repealed<sup>22</sup>

6) Repealed<sup>23</sup>

## Article 378

### *II. Entry*

1) The application, which is to be attached as an original document or certified copy to the articles of association, the entry in the Commercial Register and its announcement must in addition to the listed contents of the articles of association include the name and place of residence or firm and domicile of the members of the management and in particular the representation of the company.<sup>24</sup>

2) Repealed<sup>25</sup>

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<sup>17</sup> Subject heading amended by LGBl. 2000 No. 279.

<sup>18</sup> Article 350 para. 1 amended by LGBl. 2000 No. 279.

<sup>19</sup> Article 350 para. 2 amended by LGBl. 2007 No. 265.

<sup>20</sup> Article 350 para. 3 repealed by LGBl. 2011 No. 7.

<sup>21</sup> Article 350 para. 4 repealed by LGBl. 2011 No. 7.

<sup>22</sup> Article 350 para. 5 repealed by LGBl. 2011 No. 7.

<sup>23</sup> Article 350 para. 6 repealed by LGBl. 2011 No. 7.

<sup>24</sup> Article 378 para. 1 amended by LGBl. 2013 No. 6.

## *D. Membership*

### Article 379

#### *I. Share register*

- 1) A share register shall be maintained by the management on all members of the company and their shares, listing the name and place of residence or firm and domicile of the members and number of shares.
- 2) Any person listed in the share register as owner or trustee of a share in respect of the exercise of membership rights and obligations shall be treated as a shareholder vis-à-vis the company.
- 3) The reregistration of a transfer of shares in the share register shall only be permitted on the basis of presentation of the endorsed share certificate or, if such a certificate has not been issued, only on the basis of a written assignment and, if the share certificate has been declared invalid, only after presentation of the declaration of invalidity document.
- 4) Each shareholder has the right to inspect the share register.

### Art. 402

#### *2. Share register*

- 1) A share register shall be kept on the initial contributions of all shareholders, which register shall show the name and place of residence or the firm name and domicile of each shareholder as well as the amount of contributions taken over and the payments made upon them, and also the transfer of every company share and any change referring thereto.
- 2) At the beginning of each calendar year, a list of those entries that is identical to the share register shall be submitted to the Office for Justice for the purpose of safekeeping with the Register files, or a notification shall be sent that no changes have occurred since the last submission.
- 3) The managing directors shall be liable jointly, severally, and without limitation pursuant to the rules on accountability for any damage caused by deficient keeping of the share register.
- 4) The list submitted may be inspected by anyone.

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25 Article 378 para. 2 repealed by LGBL 2003 No. 63.

#### *IV. Entry in the Commercial Register<sup>26</sup>*

##### Article 432<sup>27</sup>

###### *1. Application*

1) The members of the management and the persons authorized to exercise the power of representation shall be designated in the application for entry of the cooperative, stating their place of residence and nationality.

2) The application must be submitted to the Office of Justice in certified form by at least two members of the management.<sup>28</sup>

3) The articles of association, the report on any non-cash contributions and assets to be taken over and, if this relates to a cooperative with unlimited or limited personal liability or with an obligation of the cooperative members to put up further capital, a list of the cooperative members, shall be attached to the application.

##### Art. 433

###### *2. Registration and publication*

1) Except for the date and the legally prescribed provisions of the articles, the following shall be entered into the Commercial Register: the names, places of residence, and citizenships of the persons charged with management and representation, stating their authority to sign for the cooperative society.

2) The following information shall be published: the information on the firm name, domicile, objects, liability rules, and manner of publication as well as all registered information of the management of the cooperative society.

3) The register of members - which cooperative societies with personal liability or with an obligation to make additional contributions must submit to the Office for Justice - shall be open to anyone for inspection but shall not be published.

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<sup>26</sup> Subject heading preceding Article 432 amended by LGBl. 2013 No. 6.

<sup>27</sup> Article 432 amended by LGBl. 2007 No. 38.

<sup>28</sup> Article 432 para. 2 amended by LGBl. 2013 No. 6

## 5. Transfer of membership

### Art. 447

#### *b) With investment certificates*

1) Membership in a cooperative society in which only the society's assets are liable or in which there is only limited liability or obligation to make additional contributions may be connected with a document.

2) Such investment certificates shall be subject to the rules on registered shares; where investment certificates are issued in connection with limited liability or obligation to make additional contributions or obligation to other, non-monetary performances, those on the shares of public limited companies imposing obligations on their shareholders to render recurring performances other than the payment of money.

3) Cancelled

4) Cancelled

5) The cooperative society shall keep a register on the owners of investment certificates and register there any changes that occur.

### Art. 468

#### aa) General

1) If the members are liable for the cooperative society's debts without limitation or are personally liable with limitation or are by any description obliged to make additional contributions, the management shall - on penalty of own liability for damage caused to a leaving member, and even if such obligations have only been set up conditionally - submit a list of all members (stating the name and town of residence, or the firm name and domicile) to the Office for Justice when registering, and shall register each subsequent joining or leaving no later than three months after it happened.

2) In addition, every member that has left or has been excluded as well as the heirs of a member that has left by death and the attaching creditors or the receiver in bankruptcy shall have the power to have the registration of leaving, exclusion, or death entered in the list of members without going through the management; however, the Office for Justice shall inform the management of any such declaration forthwith.

3) The same authority shall also be due to a company or legal entity that has left or has been excluded as a member; or if it has been dissolved, to its universal successors.

4) This registration of leaving shall become incontestable to the management of the cooperative society and to the latter's creditors after one month from the notification of the management by the Office for Justice, unless the management contests the registration of leaving by legal action.



## Fifth Title

### First Section

#### Article 551

##### *J. Reference*

1) If no mandatory regulations are drawn up in this section and no rule or no satisfactory rule is contained herein, the regulations concerning trust enterprises with legal personality shall be applied on a supplementary basis, in addition to the general regulations concerning legal entities.<sup>29</sup>

2) For establishments without members which serve exclusively common-benefit purposes, the regulations concerning the supervision, conversion and cancellation of a foundation shall be applied on a supplementary basis, and for family establishments without members the regulations for family foundations, provided that a deviation is not foreseen in this section or in the articles.

### Second Section

#### **The Foundations**<sup>30</sup>

#### Article 552<sup>31</sup>

The following rules apply to foundations:

##### A. In General

##### I. Definition and Purpose

##### § 1

##### 1. Description and Delimitation

1) A foundation within the meaning of this Section is a legally and economically independent special-purpose fund which is formed as a legal entity (legal person) through the unilateral declaration of will of the founder. The founder allocates the specifically designated foundation assets, stipulates the purpose of the

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<sup>29</sup> Article 551, paragraph 1 amended by LGBl 1980 No. 39.

<sup>30</sup> Heading preceding Article 552 amended by LGBl 2008 No. 220.

<sup>31</sup> Article 552 with newly inserted §§ 1 to 41 amended by LGBl 2008 No. 220.

foundation, entirely non-self-serving and specifically designated, and also stipulates the beneficiaries.

2) A foundation is only permitted to carry on business run along commercial lines if it directly serves the achievement of its commonbenefit purpose or if this is permitted on a special statutory basis. Insofar as the orderly investment and management of the foundation assets require, the setting-up of a commercial operation is permissible, even for private-benefit foundations.

3) If there is no case of para. 2), sentence 1, the foundation shall also not be permitted to be the shareholder with unlimited liability of a collective under personal law which runs a business along commercial lines.

## § 2

### 2. Foundation Purposes

1) Foundation purposes may include common-benefit or privatebenefit purposes.

2) A common-benefit foundation within the meaning of this Section is a foundation whose activity according to the declaration of establishment is entirely or predominantly intended to serve commonbenefit purposes in accordance with Art. 107, para. 4a, unless it is a family foundation.

3) A private-benefit foundation within the meaning of this Section is a foundation which according to the declaration of establishment is entirely or predominantly intended to serve private or personal purposes. Predominance is to be assessed according to the relationship between services provided to serve private-benefit purposes and those serving common-benefit purposes. If it is not certain that at any given time the foundation is entirely or predominantly intended to serve private-benefit purposes, it shall be treated as a common-benefit foundation.

4) The following in particular shall be regarded as private-benefit foundations:

1. pure family foundations; these are foundations whose assets exclusively serve the defrayal of costs of upbringing or education, provision for or support of members of one or more families or similar family interests;
2. mixed family foundations; these are foundations which predominantly pursue the purpose of a pure family foundation, but which supplementally also serve common-benefit or other private-benefit purposes.

## II. Foundation Participants

### § 3

## 1. Definition

The following are deemed to be participants in the foundation:

1. the founder;
2. the entitled beneficiaries;
3. the prospective beneficiaries;
4. the discretionary beneficiaries;
5. the ultimate beneficiaries;
6. the executive bodies of the foundation pursuant to §§ 11, 24, 27 and 28 as well as the members of these executive bodies.

## § 4

### 2. Founders

1) Founders may be one or more natural persons or legal entities. A foundation formed by way of last will and testament may only have one founder.

2) If a foundation has more than one founder, the rights to which the founder is entitled or which are reserved to the founder may only be exercised jointly by all founders, unless the declaration of establishment provides otherwise. If one of the founders ceases to hold office, in cases of doubt the above-cited rights shall lapse.

3) If the foundation is formed by an indirect representative, the principal (authorisor) shall be deemed to be the founder. If the latter also acts as indirect representative for a third party, the latter's principal (authorisor) shall be deemed to be the founder. In any event the indirect representative shall be under an obligation to notify the foundation council of the identity of the founder.

## § 5

### 3. Beneficiaries

1) The beneficiary is deemed to be the natural person or legal entity that with or without valuable consideration in fact, unconditionally or subject to certain prerequisites or conditions, for a limited or unlimited period, with or without restrictions, revocably or irrevocably, at any time during the legal existence of the foundation or on its termination derives or may derive an economic benefit from the foundation (beneficial interest).

2) Beneficiaries within the meaning of para. 1 are:

1. the entitled beneficiaries (§ 6, para. 1);
2. the prospective beneficiaries (§ 6, para. 2);
3. the discretionary beneficiaries (§ 7); and
4. the ultimate beneficiaries (§ 8).

## § 6

### 4. Beneficiary with a Legal Claim

1) An entitled beneficiary is a beneficiary who on the basis of the foundation deed, the supplementary foundation deed or the regulations has a legal claim to benefit, to a specified or specifiable extent, from the foundation assets or foundation income.

2) A prospective beneficiary is a beneficiary who after the occurrence of a condition precedent or at a specified time, in particular after the exclusion of a prior-ranking beneficiary, on the basis of the foundation deed, the supplementary foundation deed or a regulation has a legal claim to acquire an entitlement to a beneficial interest.

## § 7

### 5. Discretionary Beneficiary (Beneficiary without Legal Claim)

1) A discretionary beneficiary is a beneficiary who belongs to the category of beneficiaries specified by the founder and whose possible beneficial interest is placed within the discretion of the foundation council or another body appointed for this purpose. A person who only has an expectancy to such a future beneficial interest shall not be treated as a discretionary beneficiary.

2) A legal claim by the discretionary beneficiary to a specific benefit from the foundation assets or foundation income shall in any event not come into being until there is a valid resolution by the foundation council, or another executive body vested with this responsibility (§ 28), on an actual distribution to the relevant discretionary beneficiaries and such claim shall lapse on receipt of this distribution.

## § 8

### 6. Ultimate Beneficiary

1) An ultimate beneficiary is a beneficiary who in accordance with foundation deed or supplementary foundation deed is intended to receive the remaining assets following the liquidation of the foundation.

2) If there is no designation of an ultimate beneficiary or no existence of

the ultimate beneficiary, the remaining assets following the liquidation shall pass to the state.

3) If there is no specification of the appropriation of assets in the event of a revocation pursuant to § 30, para. 1, the founder himself shall be deemed to be the ultimate beneficiary irrespective of whether he previously had the status of a beneficiary.

### III. Rights of the Beneficiaries to Information and Disclosure

#### § 9

##### 1. In General

1) Insofar as his rights are concerned, the beneficiary is entitled to inspect the foundation deed, the supplementary foundation deed and possible regulations.

2) In addition, insofar as his rights are concerned, he is entitled to the disclosure of information, reports and accounts. For this purpose he has the right to inspect the business records and documents and to produce copies, and also to examine and investigate all facts and circumstances, in particular the accounting, personally or through a representative. However, this right must not be exercised with dishonest intent, in an abusive manner or in a manner in conflict with the interests of the foundation or other beneficiaries. By way of exception, the right may also be denied for important reasons to protect the beneficiary.

3) The ultimate beneficiary shall not be entitled to these rights until after the dissolution of the foundation.

4) The rights of the beneficiary shall be asserted in special non-contentious civil proceedings.

5) The exceptions pursuant to §§ 10 to 12 are reserved.

#### § 10

##### 2. The Founder's Right of Revocation

1) If in the declaration of establishment the founder has reserved for himself the right to revoke the foundation (§ 30) and he is himself the ultimate beneficiary, the beneficiary shall not be entitled to the rights pursuant to § 9.

2) If the foundation has been formed by more than one beneficiary, these rights may be exercised by each individual founder who has reserved for himself the right of revocation.

#### § 11

### 3. Setting-up of a Controlling Body

1) If in the declaration of establishment the founder has set up a controlling body for the foundation, the beneficiary may only demand disclosure of information concerning the purpose and organisation of the foundation, and concerning his own rights vis-à-vis the foundation, and may verify the accuracy of this information by inspecting the foundation deed, the supplementary foundation deed and the regulations.

2) The following may be set up as controlling body:

1. an audit authority, to which § 27 shall be applied mutatis mutandis;
2. one or more natural persons specified by name by the founder, who have sufficient specialist knowledge in the sphere of law and business to be able to perform their duties; or
3. the founder.

3) The controlling body must be independent of the foundation. § 27, para. 2 applies mutatis mutandis.

4) The controlling body shall be under an obligation to verify once a year whether the foundation assets are being managed and appropriated in accordance with their purposes. The foundation council shall submit a report on the outcome of this audit. If there is no reason for objection, it shall be sufficient to provide confirmation that the foundation assets have been managed and appropriated in accordance with the purpose of the foundation and in conformity with the provisions of the law and the foundation documents. If this is not the case, or while performing its duties the controlling body ascertains circumstances which jeopardize the existence of the foundation, it shall notify the beneficiaries and the court as soon as it is aware of these circumstances. The court shall if necessary take action in accordance with § 35.

5) If a controlling body has been set up, the beneficiary may demand from the foundation and the controlling body the forwarding of the reports pursuant to para. 4.

6) If the beneficiary asserts his rights pursuant to § 9, the foundation shall be under an obligation to prove that there exists a controlling body which satisfies the requirements of para. 2 in conjunction with para. 3.

## § 12

### 4. Supervised Foundations

The beneficiary shall not be entitled to the rights pursuant to § 9 if the foundation is subject to the supervision of the Foundation Supervisory Authority (§ 29).

§ 13

IV. Foundation Assets

1) The minimum capital of the foundation is 30,000 Swiss francs. It may also be contributed in euros or US dollars and shall then amount to 30,000 euros or 30,000 US dollars.

2) If there is an additional contribution of assets to the foundation by the founder after its legally valid formation, this shall be treated as a subsequent endowment.

3) If there is a contribution of assets to the foundation by a third party, this shall be treated as a donation. The donor shall not thereby acquire the status of a founder.

4) If the foundation does not become effective until the death of the founder or after the termination of a legal entity, with regard to the contributions of the founder it shall be deemed to have come into being before his death or before the termination of the legal entity.

B. Formation and Coming into Being

I. In General

§ 14

1. Foundation Inter Vivos

1) The foundation is formed through a declaration of establishment. This requires the written form and authentication of the signatures of the founders.

2) In the case of direct representation or indirect representation pursuant to § 4, para. 3, the signature of the representative shall be authenticated on the foundation deed.

3) For direct representation, the representative shall require a special power of attorney from the founder referring to this transaction.

4) Common-benefit foundations and private-benefit foundations carrying on business run along commercial lines on the basis of special law, shall be entered in the Commercial Register and shall thereby acquire the right of legal personality.

5) Other private-benefit foundations may be entered in the Commercial Register. However, there is no legal obligation to do so.

§ 15

2. Foundation Mortis Causa

1) The foundation may also be formed by way of last will and testament or contract of inheritance in accordance with the applicable formal rules.

2) The entry of a foundation or the deposition of a notification of formation of a foundation formed by way of last will and testament cannot be undertaken until after the death of the founder or, in the case of a contract of inheritance, unless the founder stipulates otherwise, after the death of one of the founders.

3) § 14, paras. 4 and 5 shall apply *mutatis mutandis*.

## II. Foundation Documents

### § 16

#### 1. Foundation Deed (Articles)

1) The foundation deed shall in any event include:

1. the intention of the founder to form the foundation;
2. the name or corporate name and domicile of the foundation;
3. the dedication of specific assets, which must amount to at least the statutory minimum capital;
4. the purpose of the foundation, including the designation of tangible beneficiaries, or beneficiaries identifiable on the basis of objective criteria, or of the category of beneficiaries, unless the foundation is a common-benefit foundation or the beneficiaries are evident from the purpose of the foundation, or unless there is instead express reference to a supplementary foundation deed regulating this;
5. the date of formation of the foundation;
6. the duration of the foundation, if this is limited;
7. regulations on the appointment, dismissal, term of office and nature of the management (adoption of resolutions) and power of representation (authority to sign) of the foundation council;
8. a provision concerning the appropriation of the assets in the event of the dissolution of the foundation, with the application *mutatis mutandis* of item 4. above;
9. the last name, first name and place of residence or corporate name and domicile of the founder or, in the case of indirect representation (§ 4, para. 3), the last name, first name and place of residence or corporate name and domicile of the representative. In this connection, there shall be express mention of the activity as indirect representative.

2) Insofar as the following contents are regulated, these shall likewise be recorded in the foundation deed:

1. the indication that a supplementary foundation deed has been drawn up or



- may be drawn up;
2. the indication that regulations have been issued or may be issued;
  3. the indication that other executive bodies have been formed or may be formed; further particulars of the composition, appointment, dismissal, term of office as well as duties may be stated in the supplementary foundation deed or in regulations;
  4. the reservation of the right of revocation of the foundation or amendment of the foundation documents by the founder;
  5. the reservation of the right to amend of the foundation deed or supplementary foundation deed by the foundation council or by another executive body pursuant to §§ 31 to 34;
  6. the exclusion of enforcement pursuant to § 36, para. 1;
  7. the reservation of the right of conversion (§ 41);
  8. the provision that the foundation, although a private-benefit foundation, is subject to supervision (§ 29, para. 1, sentence 2).
- 3) The provisions in accordance with para. 1, items 1, 3 and 4 are deemed to be material within the meaning of the voidability proceedings

## § 17

### 2. Supplementary Foundation Deed (Internal Regulations)

The founder may draw up a supplementary foundation deed if he has reserved for himself the right to do so (§ 16, para. 2, item 1). This may include those integral parts of the declaration of establishment which do not have to be recorded in the foundation deed.

## § 18

### 3. Regulations

For the further execution of the foundation deed or the supplementary foundation deed, the founder, the foundation council or another executive body of the foundation may issue internal directives in the form of regulations (§ 16, para. 2, item 2) if the right to do so has been reserved in the foundation deed. Regulations issued by the founder take precedence over those of the foundation council or another executive body of the foundation.

### III. Entry in the Commercial Register

1) If the foundation is subject to the obligation to register, each member of the foundation council shall, irrespective of his power of representation, be under an obligation to make an application for the foundation to be entered in the Commercial Register. The application shall be submitted in writing together with the original or certified copy of the foundation deed. The foundation council shall confirm that the statutory minimum capital is at the free disposal of the foundation. The representative also has authority to make the application.

2) If the entry is made although there is no obligation to register (§, 14, para. 5), the foundation council must in any event confirm that the tangible beneficiaries, or beneficiaries identifiable on the basis of objective criteria, or of the category of beneficiaries, have been designated by the founder, unless this is evident from the notified purpose of the foundation.

3) The entry shall contain the following information:

1. name or corporate name of the foundation;
2. domicile of the foundation;
3. purpose of the foundation;
4. date of formation of the foundation;
5. duration of the foundation, if this is limited;
6. organisation and representation, stating the last name, first name, date of birth, nationality and place of residence or registered office, or the corporate name and domicile of the members of the foundation council as well as the form of the signatory's power;
7. the last name, first name, date of birth, nationality and place of residence or registered office of the legal attorney, or the corporate name and domicile of the audit authority;
8. the last name, first name, date of birth, nationality and place of residence or registered office of the legal attorney, or corporate name and domicile of the representative.
9. The fact that the foundation is supervised in accordance with § 29 paragraph 1, sentence 1.

4) The entry can also, if necessary, be made on the basis of the foundation deed by order of the judge in non-contentious proceedings:

- a) on the application of foundation participants;
- b) on notification from the Office of Justice or the probate authority; or
- c) ex officio.

5) If there is an amendment to the purpose of a foundation not entered in the Commercial Register such that an obligation to register arises, the members of the foundation council shall be under an obligation to make an application within 30 days for the foundation to be entered in the Commercial Register in accordance with paras. 1 and 3. Para. 4 shall apply mutatis mutandis.

6) Notification of the entry shall be made within the meaning of Art. 957, para. 1, item 1.

#### IV. Notification of Formation

##### § 20

##### 1. Deposition of Notification of Formation

1) If the foundation is not subject to an obligation to register, for the purpose of monitoring the obligation to register and prevention of foundations with an illegal or immoral purpose as well for preventing the circumvention of possibly required supervision, each member of the foundation council shall be under an obligation to deposit, within 30 days following formation, notification of formation at the Office of Justice. The representative also has authority to make the deposition. The accuracy of the information pursuant to para. 2 shall be certified in writing by an attorney at law admitted in Liechtenstein, trustee or holder of an entitlement in accordance with Art. 180a.

2) The notification of formation shall contain the following information:

1. name of the foundation;
2. domicile of the foundation;
3. purpose of the foundation;
4. date of formation of the foundation;
5. duration of the foundation, if this is limited;
6. the last name, first name, date of birth, nationality and place of residence or registered office of the legal attorney or the corporate name of the members of the foundation council as well as the form of the signatory's power;
7. the last name, first name, date of birth, nationality and place of residence or registered office of the legal attorney, or the corporate name and domicile of the legal representative;
8. confirmation that the tangible beneficiaries, or beneficiaries identifiable on the basis of objective criteria, or of the category of beneficiaries, have been designated by the founder, unless this is evident from the notified purpose of the foundation;

9. confirmation that the foundation is not entirely or predominantly intended to serve common-benefit purposes;
10. indication of whether pursuant to a provision of the foundation deed the foundation is subject to supervision; as well as
11. confirmation that the statutory minimum capital is at the free disposal of the foundation.

3) On each amendment of a circumstance contained in the notification of formation and on the existence of a reason for dissolution pursuant to § 39, para. 1, the members of the foundation council shall be under an obligation, within 30 days, to deposit a notification of amendment at the Office of Justice. The representative also has authority to make the deposition. The accuracy of the information in the notification of amendment shall be certified in writing by an attorney at law admitted in Liechtenstein, trustee or holder of an entitlement in accordance with Art. 180a.

4) On the application of the foundation the Office of Justice shall, following each legally executed notification, issue an official confirmation of the deposition of the notification of formation. It shall not issue an official confirmation of deposition if:

1. the notified purpose is illegal or immoral; or
2. it is evident from the notification that the foundation is subject to an obligation to register.

## § 21

### 2. Authority to Examine and Measures

1) As the Foundation Supervisory Authority, the Office of Justice is entitled to verify the accuracy of the deposited notifications of formation and amendment. For this purpose it may demand information from the foundation and through the controlling body or, if no such body has been set up, through an authorised third party, inspect the foundation documents, insofar as this is necessary for verification purposes.

2) Duplicates and copies are only permitted to be drawn up if the verification indicates that the notification of formation or amendment is inaccurate.

3) If the verification shows that the foundation is pursuing an illegal or immoral purpose, it shall be dissolved, subject to application of the general rules concerning the legal entities. The provisions concerning the amendment of the purpose, which has subsequently become impermissible, are reserved (§§ 31 and 33). If it becomes evident that the foundation is subject to an obligation to register, the entry shall be made by the Office of Justice with the application of § 19, para. 4. If the verification shows that the foundation is subject to supervision pursuant to § 29, the Foundation Supervisory Authority shall if necessary take the appropriate measures.

4) If the courts, the Office of the Public Prosecutor or an administrative authority become aware that the notification of formation or amendment has not been submitted or that the submitted notification of formation or amendment is inaccurate in content, a report shall be drawn up and forwarded to the Foundation Supervisory Authority.

5) The Government may, by way of Executive Order, issue more detailed provisions concerning the exercise of the capacity to examine as well as the setting and imposition of fees by the Foundation Supervisory Authority.

### C. Revocation of the Declaration of Establishment

#### § 22

##### 1. By the Founder

A revocation of the declaration of establishment is only permissible:

1. if the foundation has not yet been entered in the Commercial Register, where entry is required for the formation of the foundation;
2. if an entry of the foundation is not required and this is intended to become legally effective during the lifetime of the founder, up until authentication of his signature in the foundation deed;
3. in the case of foundations formed by way of last will and testament or contract of inheritance, in accordance with the relevantly applicable rules under the law of inheritance.

#### § 23

##### 11. Exclusion of Heirs

1) In the case of foundations formed by way of last will and testament or contract of inheritance, the heirs themselves acquire no right to revoke the declaration of establishment after the death of the testator and the founder, even if the foundation has not yet been registered in the Commercial Register.

2) The heirs likewise have no right of revocation if the founder, in the case of the foundation inter vivos, has drawn up the foundation deed but has died prior to the entry in the Commercial Register.

### D. Organisation

#### I. Foundation Council

#### § 24

##### 1. In General

1) The foundation council manages the business of the foundation and represents it. It is responsible for the fulfilment of the purpose of the foundation, in compliance with the provisions in the foundation documents.

2) The foundation council shall be composed of at least two members. Legal entities can be a member of the foundation council.

3) Unless otherwise provided in the foundation deed, the appointment of the foundation council shall be effective for a period of office of three years, whereby a reappointment is permissible and the members can perform their activity for or without remuneration.

4) The provisions drawn up for the members of the foundation council also apply to possible representatives.

5) The members of the foundation council shall sign in such manner that they append their signature to the name of the foundation.

6) If members of the foundation council act without remuneration, liability for minor negligence may be excluded in the declaration of establishment, unless the creditors of the foundation are adversely affected thereby.

## 2. Special Obligations

### § 25

#### a) Asset Management

1) The foundation council shall manage the foundation assets in compliance with the founder's intention, in conformity with the purpose of the foundation and in accordance with the principles of good management

2) The founder may lay down specific and binding management criteria in the foundation deed, supplementary foundation deed or in a regulation.

### § 26

#### b) Accounting

Foundations carrying on business run along commercial lines are subject to the general rules on accounting. In the case of all other foundations the foundation council shall, in respect of the management and appropriation of the foundation assets and taking into consideration the principles of orderly book-keeping, maintain appropriate records of the financial circumstances of the

foundation and keep documentary evidence presenting a comprehensible account of the course of business and movement of the foundation assets. In addition, the foundation council shall maintain a schedule of assets showing the asset position and the asset investments. Art. 1059 shall apply mutatis mutandis.

## § 27

### II. Audit Authority

1) For each foundation subject to the supervision of the Foundation Supervisory Authority pursuant to § 29 the court shall in special non-contentious civil proceedings appoint an audit authority in accordance with Art. 191a, para. 1. In these proceedings the Foundation Supervisory Authority shall have the status of a party.

2) The audit authority must be independent of the foundation. It is under an obligation to notify the court and the Foundation Supervisory Authority of reasons which rule out its independence. The Foundation Supervisory Authority may demand from the audit authority the certification and evidence necessary for the assessment of independence. The following persons in particular shall be excluded as audit authority:

1. members of another executive body of the foundation;
2. persons with an employment relationship to the foundation;
3. persons with close family connections with members of executive bodies of the foundation; or
4. persons who are beneficiaries of the foundation.

3) The founder may submit two proposals for the audit authority, stating his preference. If the founder has not taken advantage of this right, the foundation council may refer such a proposal to the court. Subject to para. 2, the court shall as a rule appoint the preferentially proposed audit authority.

4) As executive body of the foundation, the audit authority shall be under an obligation to verify once a year whether the foundation assets are being managed and appropriated in accordance with their purposes. It shall submit to the foundation council and the Foundation Supervisory Authority a report on the outcome of this audit. If there is no reason for objection, it shall be sufficient to provide confirmation that the assets have been managed and appropriated in accordance with the purpose of the foundation and in conformity with the provisions of the law and the foundation documents. If while performing its duties the audit authority ascertains circumstances which jeopardize the existence of the foundation, it shall also report on this. The Foundation Supervisory Authority may demand from the audit authority disclosure of all facts of which it has become aware during the course of its audit.

5) In the case of common-benefit foundations, the Foundation Supervisory Authority may on request dispense with the appointment of an audit authority if the foundation only manages minor-value assets or if this

seems expedient for other reasons. The Government shall by way of Executive Order lay down the prerequisites for exemption from the obligation to appoint an audit authority.

## § 28

### III. Additional Executive Bodies

1) The founder may designate additional executive bodies, in particular to specify a beneficiary from the category of beneficiaries, to specify the time, level and condition of a distribution, to manage the assets, to advise and assist the foundation council, to monitor the administration of the foundation in order to safeguard the purpose of the foundation, to reserve consents or issue instructions, as well as to safeguard the interests of the foundation participants. These executive bodies shall have no power of representation.

2) § 24, para. 6 shall apply *mutatis mutandis*.

## § 29

### E. Supervision

1) Common-benefit foundations shall be subject to the supervision of the Foundation Supervisory Authority. The same applies to privatebenefit foundations which are subject to supervision pursuant to a provision in the foundation deed.

2) The Foundation Supervisory Authority is the Office of Land and Public Registration.

3) The Foundation Supervisory Authority shall *ex officio* ensure that the foundation assets are managed and appropriated in accordance with their purposes. It shall for this purpose be entitled to demand information from the foundation and, through the audit authority, to inspect the books and documents of the foundation. If the appointment of an audit authority has been dispensed with pursuant to § 27, para. 5, the Foundation Supervisory Authority shall as a rule itself exercise the right of inspection. In addition, it may obtain information from other administrative authorities and the courts and may through non-contentious proceedings apply to the judge for the required orders, such as the control and dismissal of the executive bodies of the foundation, carrying out of special audits or cancellation of resolutions of executive bodies of the foundation.

4) Furthermore, to oppose asset management and appropriation by the executive bodies of the foundation conflicting with the purpose of the foundation, each foundation participant may through special noncontentious civil proceedings apply to the judge for an order for the required measures in accordance with para. 3. If there is a strong suspicion of a punishable act by an



executive body of the foundation, the judge may also intervene ex officio, particularly on the basis of a communication from the Office of the Public Prosecutor. In such proceedings the Foundation Supervisory Authority shall have the status of a party.

5) Unknown beneficiaries shall be ascertained by way of public citation proceedings on the application of the Foundation Supervisory Authority.

6) The Government may, by way of Executive Order, issue more detailed provisions concerning the activity of the Foundation Supervisory Authority as well as the setting and imposition of fees by the Foundation Supervisory Authority.

## F. Amendment

### § 30

#### 1. Rights of the Founder to Revoke or Amend the Foundation Documents

1) The founder may in the foundation deed reserve for himself the right to revoke the foundation or to amend the declaration of establishment. These rights cannot be assigned or bequeathed. Should one of these rights be exercised by a direct representative, this shall require a special power of attorney referring to this transaction.

2) If the founder is a legal entity, it cannot reserve for itself the rights in accordance with para. 1.

3) If the rights in accordance with para. 1 are exercised by an indirect representative (§ 4, para. 3), the legal consequences shall revert directly to the founder.

## II. Rights of the Executive Bodies of the Foundation

### § 31

#### 1. Amendment of the Purpose

1) An amendment of the purpose of the foundation by the foundation council or another executive body shall only be allowed if the purpose has become unachievable, impermissible or irrational or if circumstances have changed to the extent that the purpose has acquired a quite different significance or effect, so that the foundation is estranged from the intention of the founder.

2) The amendment must comply with the presumed intention of

the founder and the power to amend must be expressly reserved to the foundation council or to another executive body of the foundation in the foundation deed.

## § 32

### 2. Amendment of Other Contents

An amendment of other contents of the foundation deed or the supplementary foundation deed, such as in particular the organisation of the foundation, is permissible by the foundation council or another executive body if and insofar as the power of amendment is expressly reserved in the foundation deed to the foundation council or to another executive body of the foundation. The foundation council shall, safeguarding the purpose of the foundation, exercise the right to amend if there a substantially justified reason to do so.

## III. Rights of the Judge

### 1. Supervised Foundations

#### § 33

##### a) Amendment of the Purpose

1) If a foundation is subject to the supervision of the Foundation Supervisory Authority, the latter may through non-contentious proceedings apply to the judge for the amendment of the purpose of the foundation if:

1. the purpose has become unachievable, impermissible or irrational or if circumstances have changed to the extent that the purpose has acquired a quite different significance or effect, so that the foundation is estranged from the intention of the founder; and
2. the foundation deed has not entrusted the foundation council or another executive body of the foundation with the amendment of the purpose.

2) The amendment must comply with the presumed intention of the founder.

3) The foundation participants shall also be entitled to submit an application; in this case the Foundation Supervisory Authority shall have the status of a party.

#### § 34

##### b) Amendment of Other Contents

1) If a foundation is subject to the supervision of the Foundation Supervisory Authority, the latter may through non-contentious proceedings

apply to the judge for the amendment of other contents of the foundation deed or the supplementary foundation deed, such as in particular the organisation of the foundation, if

1. this is expedient to safeguard the purpose of the foundation, in particular to safeguard the continuing existence of the foundation and to safeguard the foundation assets; and
2. the foundation deed has not entrusted the foundation council or another executive body of the foundation with the amendment of the other contents.

2) The foundation participants shall also be entitled to submit an application; in this case the Foundation Supervisory Authority shall have the status of a party.

## § 35

### 2. Other Foundations

1) In the case of foundations not subject to the supervision of the Foundation Supervisory Authority the judge may, on the application of a foundation participant and, in urgent cases, if necessary on the basis of a communication from the Foundation Supervisory Authority (§ 21, para. 3) or from the Office of the Public Prosecutor, also ex officio in non-contentious proceedings exercise the powers pursuant to §§ 33 and 34, and pronounce the orders required pursuant to § 29, para. 3. There is deemed to be an urgent case in particular if there is a strong suspicion of a punishable act by an executive body of the foundation.

2) Unknown beneficiaries may on application be ascertained by the judge in public citation proceedings.

## § 36

### G. Provisions under the Law of Enforcement

1) In the case of family foundations, the founder may provide that the creditors of beneficiaries shall not be permitted to deprive these beneficiaries of their entitlement to a beneficial interest or prospective beneficial interest acquired without valuable consideration, or individual claims arising from such an interest, by way of safeguarding proceedings, compulsory enforcement or bankruptcy. In the case of mixed family foundations, such a directive can only be issued insofar as the entitlement concerned serves the purposes of the family foundation.

2) If a creditor of the foundation can obtain no satisfaction from the foundation assets, and the founder has not yet fully provided the allocated assets, the foundation council shall be under an obligation to provide the creditor with the information he requires to take legal action. In the event of bankruptcy of the foundation, this applies mutatis mutandis with regard to the administrator of the estate.

#### § 37

##### H. Liability

1) With regard to the creditors of the foundation, only the foundation assets serve as security for the debts of the foundation. There is no obligation to put up further security.

2) The foundation council is only permitted to make distributions to beneficiaries to fulfil the purpose of the foundation if claims by creditors of the foundation are not thereby curtailed.

#### § 38

##### 1. Challenge

1) The contribution of assets to the foundation may be challenged by the heirs or the creditors in the same manner as a gift.

2) The founder and his heirs may challenge the foundation on account of deficiencies of intention in the same manner as the rules concerning deficiencies in the conclusion of a contract, even after the registration of the foundation.

##### K. Dissolution and Termination

#### § 39

##### 1. Grounds for Dissolution

1) The foundation shall be dissolved if:

1. bankruptcy proceedings have been initiated in respect of the foundation assets;
2. the resolution, whereby the initiation of bankruptcy proceedings has been rejected due to the probable insufficiency of assets to cover the costs of the

- bankruptcy proceedings, has achieved legal force;
3. the court has ordered dissolution;
  4. the foundation council has adopted a legally valid resolution on dissolution.

2) The foundation council shall adopt a resolution on dissolution as soon as:

1. it has received a legally admissible revocation by the founder;
2. the purpose of the foundation has been achieved or is no longer achievable;
3. the duration envisaged in the foundation deed has expired;
4. other grounds for dissolution are stated in the foundation deed.

3) The resolution on dissolution in accordance with para. 2 shall be adopted unanimously unless otherwise provided in the foundation deed. In the case of foundations subject to the supervision of the Foundation Supervisory Authority, the foundation council shall notify the supervisory authority of the resolution on dissolution.

4) If no resolution in accordance with para. 2 is adopted despite the existence of a ground for dissolution, in the case of foundations not subject to the supervision of the Foundation Supervisory Authority the judge shall, on the application of foundation participants, dissolve the foundation in non-contentious proceedings; in the case of other foundations, application for dissolution may also be made by the Foundation Supervisory Authority.

5) If a resolution on dissolution is adopted in accordance with para. 2 although there is no ground for dissolution, in the case of foundations not subject to the supervision of the Foundation Supervisory Authority the judge shall, on the application of foundation participants, quash the foundation council's resolution on dissolution in non-contentious proceedings; in the case of other foundations, the Foundation Supervisory Authority shall also be entitled to apply.

6) If the foundation carries on business run along commercial lines without complying with the prerequisites pursuant to § 1, para. 2, the judge shall, on the application of a foundation participant or ex officio, adjudicate on the dissolution of the foundation if the foundation has not complied with a legally binding restraining order within a reasonable time limit.

## § 40

### II. Liquidation and Termination

1) The general provisions on the legal entity shall apply to the liquidation and termination of the foundation.

2) The provisions concerning the public notice to creditors shall not apply to foundations not entered in the Commercial Register.

3) On the termination of a foundation, the Office of Justice shall issue a certificate of cancellation in the form of a register extract in the case of registered foundations, or an official confirmation in the case of unregistered foundations.

4) If the foundation is subject to the supervision of the Foundation Supervisory Authority, the foundation council shall notify the Foundation Supervisory Authority of the termination of the foundation. If the foundation is entered in the Commercial Register, an extract from the Commercial Register shall also be submitted. The legal representative also has authority to notify.

5) Subsequently emerging assets shall be apportioned in accordance with the principles concerning subsequent liquidation (Art. 139). In the case of foundations subject to the supervision of the Foundation Supervisory Authority, the foundation council shall inform the authority without delay about subsequently emerging assets. The legal representative also has authority to notify.

## § 41

### L. Conversion

Subject to the mandatory preservation of the essence of the foundation in general and the intention of the founder in particular, a private-benefit foundation can be converted, without being wound up or liquidated, into an establishment (Anstalt) organised in accordance with the law on foundations, or a trust enterprise with legal personality organised in accordance with the law on foundations, by way of a deed drawn up in due form, if the conversion:

1. is contingent upon the laying down of the prerequisites in the foundation deed; and
2. is conducive to the realisation of the purpose of the foundation

## [Sixteenth Title

### First Section

#### 2. *Registration in public registers*

##### Art. 900

###### a) In general

1) Subject to the following provisions, every trust created for a period of more than twelve months shall within twelve months from its formation apply for registration in the Commercial Register if the trustee or one of several co-trustees is resident or domiciled in Liechtenstein.

2) The application for registration in the Commercial Register shall include the following:

- a) the name of the trust;
- b) the date of formation of the trust;
- c) the duration of the trust;
- d) the name, first name, and place of residence or the firm name and domicile of the trustee.

3) Any change to a registered fact must also be registered.

##### Art. 901

###### b) Exceptions

Where the property of a trust is registered in other public registers such as the Land Register, the Patent Register, or the like, and if the trust is entered in those public registers, the additional entry of the trust in the Commercial Register may be refrained from subject to the consent of the Office for Justice.

##### Art. 902

###### c) Deposition

There is no obligation to enter a trust in the Commercial Register where an original or certified copy of the deed of formation is deposited with the Office for Justice within twelve months pursuant to the rules on the deposition of documents. In that case, an original or certified copy of each document amending the deed of formation must also be deposited with the Office for Justice.

#### 4. *Judicial and Public Trustee and Legal Representative*

##### Article 905<sup>1</sup>

###### *b) Domestic Trustees*

If persons residing abroad are appointed as trustees of a trust, at least one person resident in the Principality of Liechtenstein or a domestic legal entity must be appointed as co-trustee.]<sup>2</sup>

<sup>1</sup> Article 905 amended by LGBl. 1980 No. 39.

<sup>2</sup> Article 905 repealed by LGBl. 2013 No.

## Art. 928

### 2. Trust certificate

1) The trust deed may provide that trust certificates on the trust fund shall be issued as securities to the beneficiaries.

2) Insofar as the trust deed or the nature of the trust does not provide otherwise - such as with trust certificates on membership rights - the trust certificates provide the beneficiary with a creditor's right to benefiting from the trust fund, such as by a share in the income, in the liquidation surplus, and the like.

3) The trust certificates may be transferred just like registered shares, and a register on them shall be kept by the trustee similar to a share register.

4) The trust certificate shall list the trustee and the individual claims, making reference to the trust deed and the law.

5) The rules concerning the body of creditors in the case of bonds shall also apply to the rights of the beneficiaries entitled by trust certificates, provided that a simple majority of beneficiaries shall be sufficient for passing resolutions unless the text of the certificate provides otherwise at the time of issue.

6) The special provisions on trust certificates shall remain reserved, such as in the case of legal entities and companies to which the above provisions shall be applied supplementarily.

## Article 953

### *a) Inspection<sup>6</sup>*

1) The Commercial Register, including the applications and documentary evidence, is public.<sup>7</sup>

2) Its public nature begins with the submission of the application or the submission of documentary evidence, which is capable of serving as documentary evidence for the entry.<sup>8</sup>

3) Everyone is entitled to inspect the entries in the Commercial Register for a fee.<sup>9</sup>

4) If a justified interest is substantiated by prima facie evidence, the documentary evidence and written documents underlying the entries can also be inspected for a fee.<sup>10</sup>

5) In the case of a stock corporation, a partnership limited by shares or a company with limited liability, Register files can be inspected without a justified interest being substantiated by prima facie evidence.<sup>1</sup>

6) The Government shall specify further details concerning inspection by ordinance.<sup>2</sup>

<sup>6</sup> Article 953 subject heading amended by LGBl 2007 No. 38.

<sup>7</sup> Article 953 para. 1 amended by LGBl 2013 No. 6.

<sup>8</sup> Article 953 para. 2 amended by LGBl 2013 No. 63.

<sup>9</sup> Article 953 para. 3 amended by LGBl 2013 No. 6.

<sup>10</sup> Article 953 para. 4 amended by LGBl 2007 No. 38.

<sup>1</sup> Article 953 para. 5 amended by LGBl 2007 No. 38.

<sup>2</sup> Article 953 para. 6 inserted by LGBl 2007 No. 38.



Art. 931

II. Trusts under foreign law

Trusts under foreign law may be formed in Liechtenstein, provided:

1. that as far as necessary in the individual case, the relationship between settlor, trustee, and beneficiary shall be subject to the rules on trusts of the foreign law - which shall be included in the trust deed in detail - , and the relationship between the trust and third parties shall be subject to the provisions of Liechtenstein law.
2. that an obligatory court of arbitration shall have jurisdiction for disputes between the settlor, the trustee, and the beneficiary.

Art. 932a

§ 3

2. Object / purpose

- 1) A trust enterprise may be formed for any specific, reasonable, and possible object that is not unlawful, immoral, or a danger to the State, in particular also for the investment of assets, for the distribution of income, for the consolidation of enterprises by transfer of shares in trust or for acquisition, for family welfare, common-benefit, charitable, other personal, non-personal or similar objects.
- 2) A fiduciary undertaking that pursues commercial activities may be operated as a trust enterprise if liability is excluded or limited, unless another form of undertaking has been chosen that is subject to an obligation to register pursuant to the provisions on trusts in general or of this Act, or where an exclusion or limitation of liability has been agreed in each case with the third party.
- 3) Trust enterprises whose object is family welfare, common benefit, or charity may in particular also erect homesteads of all kinds for beneficiaries.
- 4) If a trust is formed for an object other than the operation of a commercial trade (business), such as for the purpose of satisfying creditors without commercial operations, the special regulations that may apply and the rules on trusts in general shall remain reserved.

B. Coming into existence

I. Trust Register

§ 7

1. Registration

- 1) Every trust enterprise shall come into existence only upon entry in the Commercial Register as Trust Register.
- 2) The formation of a trust enterprise shall be supplementarily subject to the provisions on formation in the general provisions on legal entities as far as the law does not provide otherwise.
- d) Securities papers on trust benefit

## § 114

### aa) General

1) Rights and duties arising from the benefit and those of the beneficiaries (certificate holders) may pursuant to express directive be connected with the ownership of a security paper such as an ordinary or preferred trust certificate, benefit certificate, supplementary certificate, free certificate, interim certificate, credit note, deposit certificate, or similar types or kinds of security paper, which shall (lacking other provisions) be subject to the rules on securities and (if they incorporate membership rights) also on the rules on membership securities that can be found among the general rules on legal entities.

2) If the trust deed provides for the issuing of securities without stating whether they should be issued in the name of the owner or made out to order, or if the beneficiaries are obliged to render recurring performances or to be liable or to make additional contributions, only securities that state the name of the owner and that may only be transferred with the consent of the trust enterprise shall be issued.

3) The securities must not be designated in a manner that for lack of legal requirements may lead to confusion with securities without the payment of contributions or without other obligations towards the trust enterprise, with a different form of enterprise or with the securities issued for such an enterprise, or with other securities such as shares, bonus shares, bonds, or the like, or that may otherwise lead to deception.

4) Within the Principality of Liechtenstein, securities on trust benefit may be issued by organising a public subscription of contributions to the trust enterprise only if the rules concerning the obligation to issue a prospectus when issuing bonds are observed, and in addition only subject to approval by the Office for Justice.

5) The Government may by ordinance limit or prohibit the issuing of securities on benefits pursuant to the existing rules concerning securities.

### dd) Form and content

## § 117

### aaa) General

1) In the absence of any other directive, the security paper shall as far as possible be made out for a quota of the respective beneficial interest, such as a quota of the income or of the assets or both; where there are several beneficiaries, equal quotas shall be assumed in the case of doubt.

2) Cancelled

3) The document issued on the benefit shall be considered proof.

L. Amendment of the trust deed,  
conversion and merger etc.  
§ 166

II. Conversion and merger

1) The trust deed may provide for the conversion of a trust enterprise into another legal form of undertaking (firm or legal entity) or its merger with such other undertaking or with another trust enterprise or another fiduciary undertaking without the liquidation of the trust enterprise pursuant to detailed regulation and subject to the rules existing for the other legal form.

2) The conversion of a trust enterprise without a legal personality into one that has a legal personality or the conversion of a trust enterprise of the latter type into one of the former type without further amendment of the trust deed may in the absence of any other directive be carried out by the managing trustees without liquidation and at any time by operation of law.

3) The conversion and merger of trust enterprises with liability or obligation to make additional contribution on the part of participants or third parties shall supplementarily and mutatis mutandis be subject to the rules laid down for registered cooperative societies.

4) In addition, the admissible conversion or merger provided by operation of law as a result of a change of organisation or object shall remain reserved.

Article 955a

*1a. Public nature for deposits*

1) Inspection, extracts, copies or certificates of files and written documents deposited pursuant to Article 990 as well as applications and documentary evidence for foundations and trusts not entered in the Commercial Register or for notifications of formation and amendment for foundations not entered in the Commercial Register can only be demanded by the depositor and by the person empowered for this purpose, as well as by universal successors. Disclosure of the representative or person authorized to accept service to domestic criminal prosecution authorities, the FIU Office and the Financial Market Authority (FMA) remains reserved. The Government shall specify further details by ordinance.<sup>1</sup>

2) The Office of Justice shall on demand confirm whether a foundation or trust entered in the Commercial Register exists or not.

## V. Official proceedings

### Art. 967

#### *1. Failure to register*

- 1) Anyone who is obliged to register with the Commercial Register and has not complied with this obligation shall be requested by the Office for Justice - pointing out the regulations and threatening a fine - to make the entry within 14 days.
- 2) Entry may also be requested by a third party. Grounds shall be supplied for the request. The Office for Justice shall issue the request if it is able to conclude from the circumstances that there is an obligation to register.
- 3) The persons at whom the request is directed are obliged to provide the information necessary for registration and for checking the obligation to register, and shall submit the existing books of account.
- 4) If within the set time-limit there has been neither an application for registration nor an objection to the request, the Office for Justice shall order registration ex officio. At the same time, a fine shall be imposed upon the person at fault.
- 5) The note that registration has happened ex officio shall be included in addition to the content prescribed by law and by ordinance.

### Article 968<sup>2</sup>

#### *2. Omission of amendment or cancellation*

- 1) If an entry in the Commercial Register is no longer in accordance with the facts, the Office of Justice shall, indicating the provisions and threat of an administrative penalty, call upon the party obligated to apply to apply for the necessary amendment or cancellation within 14 days.<sup>3</sup>
- 2) The provisions of Article 967 shall also apply mutatis mutandis.

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<sup>2</sup> Article 968 amended by LGBL. 2003 No. 63.

<sup>3</sup> Article 968 para. 1 amended by LGBL. 2013 No. 6

Article 977<sup>2</sup>

*a) Administrative penalty*

1) The Office of Justice shall impose an administrative penalty upon those responsible in the event of infringements of:

1. statutory obligations to apply, applying § 65 paras. 3 and 4 of the final section;
2. obligations to disclose, applying § 66 para. 2 of the final section;

2) The administrative penalty shall be imposed personally upon the founders, bodies or representatives of legal entities, business owners or shareholders who are obligated to apply or who have additional obligations regarding the Commercial Register.

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<sup>2</sup> Article 977 amended by LGB1. 2013 No. 6.

Twentieth Title  
**Accounting**<sup>1</sup>

First Section

**General Accounting Rules**<sup>2</sup>

Article 1045

*A. Observance of Accounting Regulations*<sup>3</sup>

1) Anyone who has the duty to enter his corporate name or name in the Commercial Register (article 945) and undertakes commercial activities (article 107) shall be required to undertake proper accounting.<sup>4</sup>

2) Companies limited by shares, partnerships limited by shares, private companies limited by shares, general partnerships, and limited partnerships as referred to in article 1063, paragraph 2 shall be required to undertake proper accounting even if they do not undertake commercial activities.<sup>5</sup>

3) Legal entities not required to undertake proper accounting in accordance with paragraphs 1 and 2 shall, taking account of the principles of orderly bookkeeping, maintain records appropriate to the financial circumstances and keep documentary evidence that allows the course of business and the development of assets to be traced, subject to any special legal provisions. Article 1059 shall apply *mutatis mutandis* to the retention of records and documentary evidence.<sup>6</sup>

*B. Business records, inventory*<sup>7</sup>

Article 1046<sup>8</sup>

*I. Business records*

1) The business records must be such that a specialized third party is able to gain an overview of business transactions and the situation of the

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1 Heading preceding Article 1045 amended by LGBl. 2000 No. 279.

2 Heading preceding Article 1045 inserted by LGBl. 2000 No. 279.

3 Article 1045 heading amended by LGBl. 2000 No. 279.

4 Article 1045, paragraph 1 amended by LGBl. 2012 No. 124 and LGBl. 2013 No. 6. This provision is applicable from 1 January 2014. For earlier business years, see Transitional Provisions.

5 Article 1045, paragraph 2 amended by LGBl. 2000 No. 279.

6 Article 1045, paragraph 3 inserted by LGBl. 2012 No. 124. This provision is applicable from 1 January 2014.

7 Heading preceding Article 1046 inserted by LGBl. 2000 No. 279.

8 Article 1046 amended by LGBl. 2000 No. 279.

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undertaking within a reasonable period of time. The origin and execution of business transactions must be traceable.

2) Living language must be used when maintaining business records and other required records. If abbreviations, digits, letters, or symbols are used, their meaning must be unambiguous in a given case.

3) The entries in business records and other required records must be complete, correct, timely, and orderly.

4) An entry or record may not be changed in such a way that the original content can no longer be determined. Changes may also not be made whose nature leaves doubt as to whether they are made at the outset or only later.

#### Article 1058<sup>1</sup>

##### *II. Audit and review requirement*

1) The annual financial statement and the consolidated annual financial statement of companies as referred to in article 1063, with the exception of those considered small companies in accordance with article 1064, shall be audited by an auditor or an auditing company (statutory audit). If, pursuant to the provisions of this title, an annual report and a consolidated annual report must be prepared, the auditor or auditing company shall also make an assessment whether or not the annual report is consistent with the annual financial statement and the consolidated annual report is consistent with the consolidated annual financial statement.

2) If undertakings not subject to an audit requirement as referred to in paragraph 1 must prepare an annual financial statement pursuant to the provisions of this title, an auditor or auditing company shall perform a review. If, pursuant to the provisions for such undertakings, an annual report must also be prepared, the auditor or auditing company shall also make an assessment whether or not the annual report is consistent with the annual financial statement.

3) Partnerships must submit the documents referred to in paragraph 2 to a review by an auditor or auditing company only if those documents must be disclosed in accordance with the provisions of this title.

4) The review shall be performed in accordance with the standards to be issued by the competent professional organizations.

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<sup>1</sup> Article 1058 amended by LGBI. 2011 No. 7.

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Article 1059<sup>1</sup>

*III. Duty to maintain and retain business records*

1) Anyone who is required to undertake proper accounting must retain business records, account records, and business correspondence for a period of ten years.

2) The annual financial statement and, if their preparation is required pursuant to the provisions of this title, the consolidated annual financial statement, the annual report, and the consolidated annual report shall be retained in writing and signed; the other business records, the account records, and the business correspondence may be maintained and retained in writing, electronically, or in a comparable manner, to the extent conformity with the underlying business transactions is ensured and if they can be made readable at any time. The Government shall provide detailed conditions by ordinance.

3) Business records, account records, and business correspondence retained electronically or in a comparable manner are deemed to have the same probative force as those readable without aids.

4) The retention period shall commence upon the end of the business year in which the last entries were made, account records were created, and business papers were received or sent.

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<sup>1</sup> Article 1059 amended by LGBl. 2007 No. 38.



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Final Part  
**Implementing and Transitional Provisions**

§ 65

*aa) In general*

*1. Register of Personal Status;  
Commercial Register*

1) Anyone who fails to register the facts and circumstances of birth, death, and marriage that have to be registered under the provisions of the laws concerning the registration of personal status may be punished by the Registrar with a fine of up to 500 Swiss francs under the rules for administrative proceedings with the option for appeal against the decision or the order.

2) If the Registrar is from the clergy, the first instance to impose a fine shall be the Government; however, the Registrar shall be obliged to report offences.

3) Anyone who deliberately fails to comply with his duty of registration in the Commercial Register shall be punished by a fine of up to 5,000 Swiss francs by the Office for Justice (Amt für Justiz) in administrative proceedings on application or ex officio. If the perpetrator acts negligently, the fine shall be up to 1,000 Swiss francs.

4) This fine may be imposed repeatedly until either the registration has been carried out or it has been proven that there is no obligation to register.

5) Furthermore, the additional legal consequences as per the rules on the Commercial Register shall remain unaffected.

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VI. Administrative Offences; Infractions<sup>1</sup>

§ 66

2. Accounting<sup>2</sup>

1) Anyone who, according to the rules governing accounting, wilfully fails to fulfil the duty to maintain business records or replacement thereof or to retain such records, in addition to business letters and other business correspondence of whatever form, shall be punished by the Court of Justice upon application or *ex officio* in non-contentious proceedings with an administrative fine of up to 10,000 francs. If the perpetrator acts negligently, the administrative fine shall be up to 5,000 francs.<sup>3</sup>

2) Anyone who wilfully fails to fulfil the duty to disclose or other duties in accordance with the provisions of articles 1122 to 1130 shall be punished by the Office of Justice upon application or *ex officio* in administrative proceedings with an administrative fine of up to 5,000 francs. If the perpetrator acts negligently, the administrative fine shall be up to 1,000 francs.<sup>4</sup>

2a) Anyone who wilfully fails to fulfil the duty under article 182a, paragraph 2 to make the business records or records and documentary evidence available at the registered office of the legal entity within a reasonable time period shall be punished by the Court of Justice upon application or *ex officio* in non-contentious proceedings with an administrative fine of up to 5,000 francs. If the perpetrator acts negligently, the administrative fine shall be up to 1,000 francs. This applies *mutatis mutandis* for the trustee of a trust (article 923, paragraph 1).<sup>5</sup>

3) The administrative fines in accordance with paragraphs 1, 2, and 2a may be repeatedly imposed until either the duties set out in paragraph 1, 2, or 2a are fulfilled or proof is provided that no duty pursuant to paragraph 1, 2, or 2a exists.<sup>6</sup>

4) If the duties set out in paragraph 1, 2, or 2a are not fulfilled in the business operations of a legal entity, the penal provision shall be applied to

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<sup>1</sup> Heading preceding § 65 amended by LGBl. 2000 No. 279.

<sup>2</sup> § 66 heading amended by LGBl. 2000 No. 279.

<sup>3</sup> § 66, paragraph 1 amended by LGBl. 2000 No. 279 and LGBl. 2010 No. 454.

<sup>4</sup> § 66, paragraph 2 amended by LGBl. 2013 No. 6.

<sup>5</sup> § 66, paragraph 2a inserted by LGBl. 2012 No. 124. This provision is applicable from 1 January 2014.

<sup>6</sup> § 66, paragraph 3 amended by LGBl. 2012 No. 124. This provision is applicable from 1 January 2014. For earlier business years, see Transitional Provisions.

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the directors, authorized agents, liquidators, or members of administrative bodies who have failed to fulfil the duty.<sup>1</sup>

5) If the acts are committed in the business operations of a company without legal personality but with a corporate name, then the penal provision shall be applied to the partner or responsible third party at fault.<sup>2</sup>

6) The right to criminal prosecution is reserved.<sup>3</sup>

7) This provisions shall apply *mutatis mutandis* if other forms of companies or legal entities permissible under this Act are established.<sup>4</sup>

#### § 66a<sup>5</sup>

##### 3. Duty to Declare

1) Anyone who, against better knowledge, makes a declaration pursuant to article 182b, paragraph 1 that is incorrect in substance shall be punished by the Court of Justice for committing an infraction with a fine of up to 20,000 francs, but if the fine cannot be collected with imprisonment of up to three months.

2) Anyone who wilfully issues a confirmation pursuant to article 182b, paragraph 4 that is incorrect in substance shall be punished by the Court of Justice for committing an infraction with a fine of up to 50,000 francs, but if the fine cannot be collected with imprisonment of up to six months. If the perpetrator acts negligently, he shall be punished by the Court of Justice for committing an infraction with a fine of up to 20,000 francs, but if the fine cannot be collected with imprisonment of up to three months.

3) The right to take disciplinary measures is reserved.

4) § 66, paragraphs 4 and 5 shall apply *mutatis mutandis*.

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1 § 66, paragraph 4 amended by LGBl. 2012 No. 124. This provision is applicable from 1 January 2014. For earlier business years, see Transitional Provisions.

2 § 66, paragraph 5 amended by LGBl. 2000 No. 279.

3 § 66, paragraph 6 amended by LGBl. 2000 No. 279.

4 § 66, paragraph 7 amended by LGBl. 2000 No. 279.

5 § 66a inserted by LGBl. 2000 No. 279.

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§ 66b

*4. Information on Letters, Order Forms, and Websites<sup>1</sup>*

1) If the duty set out in article 120a to comply with certain information on letters, order forms, and websites is not fulfilled, the legal entity or branch shall be punished by the Court of Justice upon application or *ex officio* in non-contentious proceedings with an administrative fine of up to 5,000 francs.<sup>2</sup>

2) This administrative fine may be repeatedly imposed until a lawful status is produced.<sup>3</sup>

§ 66c

*5. Obligations of Foundations concerning Application to Register, Deposition, and Declaration<sup>4</sup>*

1) On information from the Foundation Supervisory Authority, the Court of Justice may in non-contentious proceedings impose an administrative fine of up to 10,000 francs on anyone who as a member of the foundation council:<sup>5</sup>

1. fails to apply for registration of a foundation in the Commercial Register contrary to article 552 § 19 paragraph 5; or<sup>6</sup>
2. fails to deposit at the Office of Justice a notification of formation contrary to article 552 § 20 paragraph 1 in conjunction with paragraph 2 or a notification of amendment contrary to article 552 § 20 paragraph 3.<sup>7</sup>

2) The administrative fine in accordance with paragraph 1 may be repeatedly imposed until a lawful status is produced.<sup>8</sup>

3) Anyone who wilfully makes a declaration incorrect in substance pursuant to article 552 § 20 paragraph 1 in conjunction with paragraph 2 or pursuant to article 552 § 20 paragraph 3 shall be punished by the Court of Justice with a fine of up to 50,000 francs for committing an infraction, but if the fine cannot be collected with imprisonment of up to six months. If the perpetrator acts negligently, he shall be punished by the Court of Justice with a fine of up to

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1 § 66b heading inserted by LGBl 2000 No. 279.

2 § 66b, paragraph 1 amended by LGBl 2007 No. 38 and LGBl 2010 No. 454.

3 § 66b, paragraph 2 inserted by LGBl 2000 No. 279.

4 § 66c heading inserted by LGBl 2008 No. 220.

5 § 66c, paragraph 1 inserted by LGBl 2008 No. 220 and amended by LGBl 2010 No. 454.

6 § 66c, paragraph 1, subparagraph 1 amended by LGBl 2013 No. 6.

7 § 66c, paragraph 1, subparagraph 2 amended by LGBl 2013 No. 6.

8 § 66c, paragraph 2 inserted by LGBl 2008 No. 220.

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20,000 francs for committing an infraction, but if the fine cannot be collected with imprisonment of up to three months.<sup>1</sup>

4) Anyone who as a lawyer, professional trustee, or holder of a certification under article 180a wilfully or negligently provides an incorrect confirmation of the information pursuant to article 552 § 20 paragraph 1 in conjunction with paragraph 2 or pursuant to article 552 § 20 paragraph 3 shall likewise be punished in accordance with paragraph 3.<sup>2</sup>

5) The right to take disciplinary measures is reserved.<sup>3</sup>

## § 66d

### *6. Depositing of bearer shares*

1) As a result of a report by the Office for Justice, the Court of Justice (Landgericht) may impose a fine of up to 10,000 Swiss francs on anyone who deliberately:

1. as a custodian violates the duties for the proper keeping of the register pursuant to Art. 326c (1);
  2. as a custodian issues an incorrect confirmation on the depositing of bearer shares pursuant to Art. 326c (6);
  3. as a custodian hands over bearer shares in violation of Art. 326e; or
  4. as the person who has carried out the audit / the review issues an incorrect confirmation pursuant to Art. 326i (1) or fails to submit a report pursuant to Art. 326i (2).
- 2) The fine pursuant to para. (1) may be imposed repeatedly until the status is conformal with the law.
- 3) If the perpetrator acts negligently, the fine shall be up to 5,000 Swiss francs.

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1 § 66c, paragraph 3 inserted by LGBl. 2008 No. 220.

2 § 66c, paragraph 4 inserted by LGBl. 2008 No. 220.

3 § 66c, paragraph 5 inserted by LGBl. 2008 No. 220.

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**Payment Services Act (PSA)**

of 17 September 2009

## Article 3

*Definitions and terms*

1) For the purposes of this Act the following terms shall have the following meanings:

1. "Agent": a natural or legal person who carries out payment services on behalf of a payment institution;
2. "Host Member State": the EEA Member State other than the home Member State in which a payment service provider has an agent or a branch or provides payment services;
3. "Authentication": a procedure that allows the payment service provider to verify the use of a specific payment instrument, including its personalized security features;
4. "Durable medium": any instrument which enables the payment service user to store information addressed personally to him in a way accessible for future reference for a period of time adequate to the purposes of the information and which allows the unchanged reproduction of the information stored;
5. "Means of distance communication": any means of communication which, without the simultaneous physical presence of the payment service provider and the payment service user, may be used for the conclusion of a payment services contract;
6. "Money remittance": a payment service where funds are received from a payer, without any payment accounts being created in the name of the payer or the payee, for the sole purpose of transferring a corresponding amount to a payee or to another payment service provider acting on behalf of the payee, and/or where such funds are received on behalf of and made available to the payee;
7. "Funds": banknotes and coins, scriptural money and electronic money as defined in the E-Money Act;
8. "Business day": every day on which the relevant payment service provider of the payer or the payment service provider of the payee involved in the execution of a payment transaction is open for business as required for the execution of a payment transaction;
9. "Group": a group of undertakings, which consists of a parent undertaking, its subsidiaries and the entities in which the parent undertaking or its subsidiaries have a holding as well as undertakings under uniform management (owing to contractual or statutory provisions, where the composition of the board of directors and/or the management is for the most part identical, as a result of letters of comfort submitted or similar) even though there is no capital connection between them;
10. "Home Member State":
  - a) the EEA Member State in which the registered office of the payment service provider is situated; or
  - b) if the payment service provider has no registered office under its national law, the EEA Member State in which its head office is situated;
11. "Consumer": a natural person who, in payment service contracts covered by this Act, is acting for purposes other than his trade, business, or profession;

12. "Customer identifier": a combination of letters, numbers or symbols specified to the payment service user by the payment service provider and to be provided by the payment service user to identify unambiguously the other payment service user and/or his payment account for a payment transaction;
13. "Direct debit": a payment service for debiting a payer's payment account, where a payment transaction is initiated by the payee on the basis of the payer's consent given to the payee, to the payee's payment service provider, or to the payer's own payment service provider;
14. "Framework contract": a payment service contract which governs the future execution of individual and successive payment transactions and which may contain the obligation and conditions for setting up a payment account;
15. "Reference exchange rate": the exchange rate which is used as the basis to calculate any currency exchange and which is made available by the payment service provider or comes from a publicly available source;
16. "Reference interest rate": the interest rate which is used as the basis for calculating any interest to be applied and which comes from a publicly available source which can be verified by both parties to a payment service contract;
17. "Value date": a reference time used by a payment service provider for the calculation of interest on the funds debited from or credited to a payment account;
18. "Payer": a natural or legal person who holds a payment account and allows a payment order from that payment account, or, where there is no payment account, a natural or legal person who gives a payment order;
19. "Payment order": any instruction by a payer or payee to his payment service provider requesting the execution of a payment transaction;
20. "Payment services":
  - a) services enabling cash to be placed on a payment account as well as all the operations required for operating a payment account;
  - b) services enabling cash withdrawals from a payment account as well as all the operations required for operating a payment account;
  - c) execution of payment transactions, including transfers of funds on a payment account with the user's payment service provider or with another payment service provider:
    - aa) execution of direct debits, including one-off direct debits;
    - bb) execution of payment transactions through a payment card or a similar device;
    - cc) execution of credit transfers, including standing orders;
  - d) Execution of the payment transactions pursuant to (c) where the funds are covered by a credit line for a payment service user;
  - e) issuing and/or acquiring of payment instruments;
  - f) money remittance;
  - g) execution of payment transactions where the consent of the payer to execute a payment transaction is given by means of any telecommunication, digital or IT device and the payment is made to the telecommunication, IT system, or network operator, acting only as an intermediary between the payment service user and the supplier of the goods and services;
21. "Payment service provider":
  - a) banks within the meaning of the Banking Act;
  - b) electronic money institutions within the meaning of the E-Money Act;
  - c) post office institutions which are entitled, pursuant to the Postal Services Act or the law of its host Member State, to provide payment services;

- d) the European Central Bank and other central banks in the European Economic Area when not acting in their capacity as monetary authority or other public authority;
  - e) the State, the local authorities, the associations of local authorities, and the administration or the corresponding regional authorities under public law from the EEA Member States when not acting in their capacity as public authorities;
  - f) payment institutions;
22. "Payment service user": a natural or legal person making use of a payment service in the capacity of either payer or payee, or both;
23. "Payee": a natural or legal person who is the intended recipient of funds that have been the subject of a payment transaction;
24. "Payment institution": a legal person that – although it does not fall under (21) (a) to (e) – has been granted authorization in accordance with article 8 or in its host Member State in accordance with article 10 of Directive 2007/64/EC to provide and execute payment services throughout the European Economic Area;
25. "Payment instrument": any personalized device(s) and/or set of procedures agreed between the payment service user and the payment service provider and used by the payment service user in order to initiate a payment order;
26. "Payment account": an account held in the name of one or more payment service users that is used for the execution of payment transactions;
27. "Payment system": a funds transfer system with formal and standardized arrangements and common rules for the processing, clearing and/or settlement of payment transactions;
28. "Payment transaction": an act, initiated by the payer or by the payee, of placing, transferring or withdrawing funds, irrespective of any underlying obligations between the payer and the payee;
29. "Branch": a place of business other than the head office which is a part of a payment institution, which has no legal personality and which carries out directly some or all of the transactions inherent in the business of a payment institution; all the places of business set up in the same Member State by a payment institution with a head office in another EEA Member State shall be regarded as a single branch;
- 2) The terms used in this Act to refer to natural persons and functions include persons of male and female gender alike.
- 3) The definitions in the applicable EEA statutory provisions shall also apply, especially Directive 2007/64/EC.

## **B. Authorization of payment institutions**

### Article 7

#### *Authorization obligation*

1) Anyone intending to provide domestic payment services – where it is not a payment services provider pursuant to article 3 (1) (21) (a) to (e) – shall obtain authorization as a payment institution from the Financial Market Authority (FMA). This is subject to article 25 and 27.

2) Payment services may only be provided by payment service providers within the meaning of article 3 (1) (21).

## **2. FMA**

### Article 35

#### *Duties and authorizations*

1) The FMA shall monitor the implementation of the provisions of this Act and the ordinances passed in this connection and take the necessary measures directly,



in cooperation with other supervisory bodies or by notifying the public prosecutor's office.

2) The FMA has all necessary authorizations to carry out its duties and can, in particular:

- a) demand all of the information and documents required for enforcement of this Act from all of those subject to this Act and under its supervision and its auditing bodies;
- b) order and conduct extraordinary audits;
- c) pass decisions and issue orders to take action, prohibition orders and declaratory rulings;
- d) publish legally binding decisions and rulings after prior warning if the party concerned opposes such a decision or ruling;
- e) impose a temporary ban on carrying out the profession;
- f) call upon the public prosecutor to apply for measures to secure the siphoning off of the unjust enrichment or the deterioration of assets in accordance with the Code of Criminal Procedure;
- g) pass directives and issue recommendations and, where appropriate, binding administrative provisions;
- h) in urgent cases all necessary precautions, measures and orders can be taken/passed without a prior warning and without setting a deadline for rectification of the situation.

3) The costs incurred as a result of their misconduct shall be borne by those concerned in accordance with article 26 (2) of the Financial Market Authority Act.

4) The FMA is responsible in particular for:

- a) granting, withdrawing and revoking authorizations;
- b) keeping the register of payment institutions pursuant to article 36;
- c) verifying the audit reports;
- d) issuing penalties for administrative infractions pursuant to article 93.

5) If the FMA gains knowledge of violations of the Act or other irregularities, it shall issue the orders necessary to bring about the proper state of affairs and to rectify the irregularities.

6) If there is reason to assume that an activity subject to this Act is being carried out without authorization, the FMA can demand information and documents from the persons concerned as though these persons were subject to its supervision. In urgent cases the FMA can order immediate discontinuation and termination without a prior warning or setting a deadline for rectification of the situation.

7) The FMA can deputize an expert as its observer if the claims against the creditor appear to be at risk as a result of serious irregularities. The statutory auditing body can be assigned the mandate for this. The payment institution shall bear the costs. The observer shall monitor the activity of the management bodies, particularly implementation of the measures ordered and report to the FMA on a continuous basis. The observer shall enjoy an unrestricted right to inspect the business activity and the books and files of the payment institution.

8) If claims or complains are received from the FMA from persons and organizations owing to alleged violations of the provisions of this Act for which it is not responsible, it shall make these persons and organizations aware, where appropriate and without prejudice to their right to file a claim in court, of the possibility of calling upon a mediation body pursuant to article 91.

## Article 36

### *Register of payment institutions*

1) The FMA shall keep a public register of payment institutions authorized in Liechtenstein, their agents and branches as well as of the auditing bodies authorized to audit payment institutions (register of payment institutions).

2) This register shall also identify the payments services for which the payment institution is authorized.

3) The register can be consulted at the FMA or accessed via its website and shall be updated on a regular basis.

4) The Government can set down in an ordinance how the register is to be kept.

# Liechtenstein Law Gazette

Year 1999

No. 35

published on 19 February 1999

## Law

of 18 December 1998

### on the Liechtenstein Postal Service (Postal Service Act, PSA)

#### IV. Payment services, financial services, other competitive services<sup>1</sup>

##### Article 14

##### *Payment services, financial services<sup>2</sup>*

1) The Postal Service guarantees the postal payment services outside of the universal service and the related prior and ancillary services such as card money products and check transactions.<sup>3</sup>

2) It can keep accounts with or without withdrawal restrictions and offer the following financial services products:

- a) money market investments;
- b) Shares in Undertakings for Collective Investment in Transferable Securities (UCITS) and in investment companies for other values or real properties;<sup>4</sup>
- c) insurance policies.

3) It can offer the services set out in (1) and (2) in its own name or on behalf and for the account of third parties. This is subject to article 15.

4) The distribution of shares in accordance with (2) (b) is excluded from the payment obligation pursuant to article 122 (1) UCITSA and the approval obligation pursuant to article 94 (1) IUA. However, there is a duty to notify the Financial Market Authority (FMA) about the intended distribution and the point of payment.<sup>5</sup>

5) Distribution must be restricted to shares in Undertakings for Collective Investment in Transferable Securities (UCITS) pursuant to the UCITSA. The government shall legislate the details in an ordinance. The intended advisory and sales personnel must have sufficient professional qualifications. The distribution of shares in Undertakings for Collective Investment in Transferable Securities is only permissible where:

- a) the UCITS is subject to supervision in its domicile country and this supervision is equivalent to Liechtenstein supervision;
- b) the information provided to the investor in Liechtenstein meets the requirements of the UCITSA and a prospectus has been provided;
- c) the name of the UCITS is not a cause for deception or confusion.<sup>6</sup>

6) The Liechtensteinische Post Aktiengesellschaft is the point of payment of the UCITS and of the investment company for other values or real properties and is under an obligation to redeem the shares.<sup>7</sup>

<sup>1</sup> Title preceding article 14 amended by LGBl. 2009 No. 276.

<sup>2</sup> Title of article 14 amended by LGBl. 2009 No. 276.

<sup>3</sup> Article 14, paragraph 1 amended by LGBl. 2009 No. 276.

<sup>4</sup> Article 14, paragraph 2(b) amended by LGBl. 2011 No. 300.

<sup>5</sup>

<sup>6</sup>

<sup>7</sup>

## Article 15

### *Supervision, notification*

1) The provisions of the Banking Act, the Act on Undertakings for Collective Investment in Transferable Securities, the Investment Undertakings Act, the Insurance Supervision Act, the Payment Services Act and the Due Diligence Act apply accordingly to carrying out the services set out in article 14.<sup>1</sup>

2) The Postal Service shall inform the Financial Market Authority (FMA) at least 90 days before initiation of the services set out in article 14.<sup>2</sup>

3) The government shall legislate the details in an ordinance.<sup>3</sup>

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<sup>1</sup> Article 14, paragraph 4 amended by LGBl. 2011 No. 300.

<sup>2</sup> Article 14, paragraph 5 amended by LGBl. 2011 No. 300.

<sup>3</sup> Article 14, paragraph 6 amended by LGBl. 2011 No. 300.

**Liechtenstein Law Gazette**

Year 2009

No. 356

published on 30 December 2009

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**Law**

of 19 November 2009

**on the Control and Supervision of Public Companies  
(Public Companies Control Act; PCCA)**

## Article 23

*Secrecy obligation*

1) Organs and employees of public companies shall observe secrecy with respect to information they gain knowledge of whilst carrying out their activity in the public company and where it is in the interest of the public company or the state or it is predominantly in the private interest for this information to be withheld. This shall continue to apply after the end of the organ function or after termination of the employment relationship.

2) For the purpose of the secrecy obligation, organs and employees of public companies shall be deemed to be civil servants within the meaning of article 74 (1) (4) of the Criminal Code.

**Liechtenstein Law Gazette**

Year 2003

No. 215

published on 11 November 2003

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**Law**  
of 18 September 2003  
**on Electronic Signatures**  
**(Signature Act; SA)**

Article 2

*Definitions*

- 1) For the purposes of this Act, the following terms shall have the following meanings:
- a) "electronic signature": electronic data which are attached to other electronic data or which are logically linked with such data and which serve to authenticate, i.e. establish the identity of the signatory;
  - b) "signatory": a natural person, to whom signature creation data and the corresponding signature verification data are allocated and who, using such data, submits or otherwise deals with a declaration signed electronically, either in his own name or in the name of a third party, or a certification services provider, which uses certificates to provide signature and certification services, or in the case of non-qualified certificates also a legal person or another institution with legal capacity providing that the certificate states a specific purpose for which the certificate has been issued;
  - c) "advanced electronic signature": an electronic signature that:
    - 1. is exclusively allocated to the signatory;
    - 2. makes it possible to identify the signatory;
    - 3. is created using means that the signatory can keep under his sole control; and
    - 4. is linked to the data to which it refers in such a way that any subsequent alteration of the data can be detected;
  - d) "secure electronic signature": an advanced electronic signature which is based on a qualified certificate and is created using a secure signature creation unit;
  - e) "signature creation data": unique data such as codes or private signature keys which are used by the signatory to create an electronic signature;
  - f) "signature creation unit": a configured piece of software or hardware which is used to process the signature creation data;
  - g) "secure signature creation unit": a signature creation unit which meets the requirements set out in article 18 (1) and the laws passed to implement this provision;
  - h) "signature verification data": data such as codes or public signature keys which are used to verify an electronic signature;
  - i) "signature verification unit": a configured piece of software or hardware which is used to process the signature verification data;
  - k) "certificate": electronic confirmation by way of which the signature verification data can be allocated to a specific person, whose identity is thereby confirmed;
  - l) "qualified certificate": a certificate that contains the details set out in article 5 and is issued by a certification services provider which meets the requirements set out in article 7;
  - m) "certification services provider": a natural or legal person or other institution with legal capacity that issues certificates or provides other signature or certification services;

- n) "signature and certification services": providing signature products and electronic signature procedures, issuing, renewing and managing certificates, providing record-keeping and revocation services, registration and time stamp services as well as computer and advisory services in connection with electronic signatures;
- o) "time stamp service": electronically signed confirmation from a certification services provider that certain electronic data existed at a specific point in time;
- p) "signature product": hardware or software or specific components thereof which are used to create or verify electronic signatures or by a certification services provider to provide signature and certification services;
- q) "compromise": the impairment of security measures or security technology meaning that the security level promised by the certification services provider is not provided;
- r) "official signature": an electronic signature, the peculiarity of which is identified by a corresponding attribute in the signature certificate.<sup>1</sup>

2) The terms used in this Act to refer to natural persons include persons of male and female gender alike.

## VII. Recognition of foreign certificates and electronic signatures

### Article 24

#### *Recognition*

1) Certificates issued officially by a certification services provider with its domicile in another state which is party to the EEA Agreement or in Switzerland, and the validity of which can be verified from Liechtenstein, are deemed to be equivalent to domestic certificates. Qualified certificates from such certification services providers have the same legal effects as domestic qualified certificates.

2) Certificates issued officially by a certification services provider with its domicile in a third party country, and the validity of which can be verified from Liechtenstein, are deemed to have equivalent legal status to domestic certificates. Qualified certificates from such certification services providers shall be deemed to be equivalent with domestic qualified certificates if:

- a) the certification services provider meets the requirements of article 7 (1) to (3) and has obtained voluntary accreditation in a state party to the EEA Agreement or in Switzerland;
- b) a certification services provider with its domicile in a state party to the EEA Agreement or in Switzerland, which meets the requirements of article 7 (1) to (3), vouches for the certificate; or
- c) the certificate has been recognized as a qualified certificate or the certification services provider has been recognized as an issuer of qualified certificates in the framework of a bilateral or multilateral agreement:
  1. between the European Community on the one side and third States or international organizations on the other; or
  2. between a state party to the EEA Agreement or Switzerland on the one side and third States or international organizations on the other.

3) Electronic signatures that are based on a recognized foreign qualified certificate and have been created using a secure signature creation unit, for which there is domestic or equivalent security confirmation, shall be deemed to be equivalent to secure electronic signatures.

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<sup>1</sup> Article 2, paragraph 1(b) inserted by LGBl. 2007 No. 39.

**Federal Act  
on Administrative Criminal Law  
(VStrR)**

**313.0**

of 22 March 1974 (version of 1 January 2013)



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## Second Section: Special Provisions

### Art. 14

A. Punishable acts  
I. Benefit and customs fraud

1 Anyone who fraudulently misleads the Administration, another authority, or a third party under false pretences or by suppressing facts or who fraudulently encourages an error on their part and in that way unlawfully obtains a concession, licence or quota, contribution, reimbursement of tax, or other performance by the polity for himself or another person, or who brings about that the revocation of a concession, a licence, or a quota is waived, shall be punished with imprisonment or a fine.

2 If, through his fraudulent conduct, the perpetrator brings about that the polity is unlawfully and in a substantial amount deprived of a tax, contribution, or other performance or is otherwise damaged in terms of its assets, then the penalty shall be imprisonment of up to one year or a fine of up to 30,000 francs.

3 If a specific administrative law provides a higher maximum amount of the fine for the equivalent non-fraudulently perpetrated violation, then that amount shall apply also in the cases of paragraphs 1 and 2.

4 If an act in accordance with paragraph 1 or 2 aims to generate substantial gains in regard to the import, export, or transit of goods, and if the perpetrator acts as a member of a group that has come together for the purpose of ongoing commission of benefit or customs fraud (qualified customs fraud), then the perpetrator shall be punished with imprisonment of up to five years or a monetary penalty. If the punishment is imprisonment, it shall be combined with a monetary penalty.

# SR. 514.51 Swiss Federal Act on War Material

(see: [http://www.admin.ch/ch/e/rs/514\\_51/index.html](http://www.admin.ch/ch/e/rs/514_51/index.html))

## 1.1.1.1.1 Art. 33 Offences against licensing and reporting obligations

<sup>1</sup> Any person who wilfully commits any of the following acts is liable to a custodial sentence or a monetary penalty:<sup>1</sup>

a.

the manufacture, import, transit, export, trade in, or brokerage of war material, or the conclusion of contracts for the transfer of intellectual property including know-how relating to war material, or for the granting of rights thereto without the relevant licence or in violation of the conditions or requirements stipulated in a licence;

b.

the provision of incorrect or incomplete information in an application when such information is essential for the granting of a licence or the use of such an application that has been completed by a third party;

c.<sup>2</sup>

the failure to report war material for import, export or transit or the making of a incorrect declaration in respect of its import, export or transit;

d.

the delivery, transfer or brokerage of war material for a recipient or destination other than that named in the licence;

e.

the transfer of intellectual property, including know-how, relating to war material, or the granting of rights thereto to a recipient or destination other than that named in the licence;

f.

the participation in financial dealings relating to an illegal war material transaction or the procurement funding for such a transaction as an intermediary.

<sup>2</sup> In serious cases the penalty is a custodial sentence of at least one year but not exceeding ten years. The custodial sentence may be combined with a monetary penalty.<sup>3</sup>

<sup>3</sup> If the act is committed through negligence, a monetary penalty not exceeding 180 daily penalty units may be imposed.<sup>4</sup>

<sup>4</sup> In the case of unauthorised import or transit, an act committed abroad is also a criminal offence.

#### **1.1.1.1.2 Art. 34 Offences against the prohibition of nuclear, biological and chemical weapons**

<sup>1</sup> Any person who wilfully commits any of the following acts without being able to claim an exemption under Article 7 Paragraph 2 is liable to a custodial sentence not exceeding ten years or to a monetary penalty.<sup>1</sup>

a.

the development, manufacture, brokerage, acquisition, surrender to another, imports, export, transit, stockpiling, or any other form of possession of nuclear, biological or chemical weapons (NBC weapons);

b.

incitement to commit any of the acts listed under letter a; or

c.

assisting in the commission of an act listed under letter a.

<sup>2</sup> A custodial sentence may be combined with a monetary penalty.<sup>2</sup>

<sup>3</sup> If the act is committed through negligence, the penalty is a custodial sentence not exceeding one year or a monetary penalty.<sup>3</sup>

<sup>4</sup> An act committed abroad is an offence in terms of these provisions irrespective of the law of the place of commission if:

a.

it violates international law agreements to which Switzerland is a contracting party and

b.

the offender is Swiss or is domiciled in Switzerland.

<sup>5</sup> Article 7 paragraphs 4 and 5 of the Criminal Code<sup>4</sup> apply.<sup>5</sup>

#### **1.1.1.1.3 Art. 35 Offences against the prohibition of anti-personnel mines**

<sup>1</sup> Any person who wilfully commits any of the following acts without being able to claim an exemption under Article 8 paragraph 2 is liable to a custodial sentence not exceeding ten years or to a monetary penalty.<sup>1</sup>

a.

the development, manufacture, brokerage, acquisition, surrender to another, import, export, transit, stockpiling, or any other form of possession of anti-personnel mines;

b.

incitement to commit any of the acts listed under letter a; or

c.

assisting in the commission of an act listed under letter a.

<sup>2</sup> A custodial sentence may be combined with a monetary penalty.<sup>2</sup>

<sup>3</sup> If the act is committed through negligence, the penalty is a custodial sentence not exceeding one year or a monetary penalty.<sup>3</sup>

*English is not an official language of the Swiss Confederation. This translation is provided for information purposes only and has no legal force.*

**Federal Act  
on the Control of Dual-Use Goods and of  
Specific Military Goods  
(Goods Control Act, GCA)**

of 13 December 1996 (Status as of 1 January 2013)

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*The Federal Assembly the Swiss Confederation,*

based on the powers of the Confederation in foreign affairs<sup>1</sup>  
as well as on Article 64<sup>bis</sup> of the Federal Constitution<sup>2,3</sup>  
and having considered the Federal Council Dispatch dated 22 February 1995<sup>4</sup>,  
*decrees:*

**Section 1: General Provisions**

**Art. 1** Purpose

This Act is intended to allow for the control of goods usable for civilian and military purposes (dual-use goods) and specific military goods.

**Art. 2** Scope of application

<sup>1</sup> This Act applies to dual-use goods and specific military goods that form the subject matter of international agreements.

<sup>2</sup> The Federal Council shall determine which dual-use goods and which special military goods that from the subject matter of international control measures that are not binding under international law are subject to this Act.

<sup>3</sup> This Act only applies insofar as the Federal Act of 13 December 1996<sup>5</sup> on War Material or the Atomic Energy Act of 23 December 1959<sup>6</sup> is not applicable.

AS 1997 1697

<sup>1</sup> Powers in accordance with Art. 54 para. 1 of the Federal Constitution of 18 April 1999 (SR 101)

<sup>2</sup> [BS 1 3]. This provision now corresponds to Art. 123 of the Federal Constitution of 18 April 1999 (SR 101).

<sup>3</sup> Amended by No 1 4 of the Federal Act of 22 June 2001 on the Streamlining of Federal Legislation on Arms, War Material, Explosives and Goods Usable for Civilian and Military Purposes, in force since 1 March 2002 (AS 2002 248 257, BBl 2000 3369).

<sup>4</sup> BBl 1995 II 1301

<sup>5</sup> SR 514.51

**Art. 3** Definitions

In this Act:

- a. *goods* means commodities, technologies and software;
- b. *dual-use goods* means goods that may be used both for civilian and military purposes;
- c. *specific military goods* means goods that have been designed or modified for military purposes, but which are neither weapons, ammunition, explosives nor any other means of combat, together with military training aircraft equipped with suspension points;
- d. *technology* means information for the development, manufacture or use of goods that is neither generally accessible nor serves the purposes of pure scientific research;
- e. *brokerage* means the creation of the essential requirements for the conclusion of agreements or the conclusion of such agreements itself, if such service is provided by third parties, irrespective of the location of the goods.

**Section 2: Control Measures****Art. 4** Implementation of international agreements

For the purpose of implementing international agreements, the Federal Council may:

- a. introduce licence and reporting requirements and order supervisory measures for:
  - 1.<sup>7</sup> the research, development, manufacture, storage, transfer and use of goods,
  2. the import, export, transit and brokerage of goods;
- b. issue regulations on inspections.

**Art. 5** Support for other international control measures

In support of international control measures that are not binding under international law, provided such measures are also supported by Switzerland's most important trading partners, the Federal Council may:

- a. introduce licence and reporting requirements;
- b. order supervisory measures

in respect of the import, export, transit and brokerage of goods.

<sup>6</sup> [AS 1960 541, 1987 544, 1993 901 Annex 9, 1994 1933 Art. 48 No 1, 1995 4954, 2002 3673 Art. 17No 3, 2004 3503 Annex 4. AS 2004 4719 Annex I No 1]. See now: the Nuclear Energy Act of 21 March 2003 (SR 732.1).

<sup>7</sup> Amended by No 14 of the Federal Act of 22 June 2001 on the Streamlining of Federal Legislation on Arms, War Material, Explosives and Goods Usable for Civilian and Military Purposes, in force since 1 March 2002 (AS 2002 248 257, BBl 2000 3369).

**Art. 6** Refusal of licences

<sup>1</sup> Licences shall be refused if:

- a. the activity covered by the application violates international agreements;
- b. the activity covered by the application violates control measures that are not binding under international law but which are supported by Switzerland;
- c. corresponding enforcement measures have been taken in accordance with the Embargo Act of 22 March 2002<sup>8,9</sup>.

<sup>1bis</sup> Licences shall also be refused if there is reason to believe that the activity covered by the application may benefit terrorist groups or organised crime.<sup>10</sup>

<sup>2</sup> Licences for specific military goods shall also be refused if the United Nations or states that participate with Switzerland in international export control measures prohibit the export of such goods, and if Switzerland's most important trading partners adhere to these prohibitions.

**Art. 7** Revocation of licences

<sup>1</sup> Licences shall be revoked if the situation has changed to such an extent since the licence was granted that the requirements for refusal in accordance with Article 6 are fulfilled.

<sup>2</sup> Licences may be revoked if conditions and obligations related thereto are not complied with.

**Art. 8** Measures in relation to specific countries of destination

<sup>1</sup> For the purpose of implementing international agreements, the Federal Council may provide that no licences be issued for certain countries of destination.

<sup>2</sup> The Federal Council may provide for a relaxation or an exemption from control measures for certain countries of destination, and in particular for:

- a. contracting parties to international agreements; or
- b. countries participating in non-binding international control measures supported by Switzerland.

<sup>8</sup> SR **946.231**

<sup>9</sup> Amended by Art. 17 No 2 of the Embargo Act of 22 March 2002, in force since 1 Jan. 2003 (SR **946.231**).

<sup>10</sup> Inserted by No I 4 of the Federal Act of 22 June 2001 on the Streamlining of Federal Legislation on Arms, War Material, Explosives and Goods Usable for Civilian and Military Purposes, in force since 1 March 2002 (AS **2002** 248 257, BBl **2000** 3369).

### Section 3: Monitoring

#### Art. 9 Duty to provide information

<sup>1</sup> Whoever applies for or has received a licence is obliged to provide all the information and submit the documents to the control authorities that are required for a comprehensive assessment or control.

<sup>2</sup> Whoever is subject in any other way to the control measures under this Act is also subject to the same requirements.

#### Art. 10 Powers of the control authorities

<sup>1</sup> The control authorities have the right to enter and inspect the business premises of persons required to provide information during normal working hours without prior notice as well as to inspect the relevant documents. They may confiscate incriminating material. If there is a suspicion that offences have been committed, further provisions of procedural law may apply.

<sup>2</sup> The control authorities may request the assistance of the police of the cantons and communes as well as the investigative authorities of the Federal Customs Administration.<sup>11</sup> If there is evidence of violations of this Act, the control authorities may request the assistance of the Federal Intelligence Service and the relevant federal police authorities.<sup>12</sup>

<sup>3</sup> The control authorities may process personal data for the purposes of this Act. In the case of particularly sensitive data, only such data relating to administrative or criminal prosecutions or penalties may be processed. Other particularly sensitive personal data may be processed if this is essential in order to deal with the case in question.

<sup>4</sup> The control authorities are obliged to preserve official secrecy and must take all the necessary precautions in their activities to prevent industrial espionage.

### Section 4: Procedures and Reporting

#### Art. 11 Jurisdiction and procedure

The Federal Council shall designate the competent authorities and regulate the details of procedures. Border controls are the responsibility of the customs authorities.

<sup>11</sup> Amended by No I 8 of the Ordinance of 12 Dec. 2008 on the Amendment of Statutory Provisions following the Transferral of the Intelligence Service Sections of the Analysis and Prevention Service to the DDPS, in force since 1 Jan. 2009 (AS **2008** 6261).

<sup>12</sup> Second sentence amended in accordance with No I 9 of the Ordinance of 4 Dec. 2009 on the Amendment of Statutory Provisions following the Establishment of the Federal Intelligence Service, in force since 1 Jan. 2010 (AS **2009** 6921).



**Art. 12** Appeals procedure

The procedure for appeals against rulings under this Act is governed by the general provisions on the administration of federal administrative justice.

**Art. 13** Reporting

The Federal Council shall inform the Federal Assembly on the application of this Act in its reports on foreign economic policy.

**Section 5: Criminal Provisions**<sup>13</sup>**Art. 14** Felonies and misdemeanours

<sup>1</sup> A sentence of imprisonment or a fine not exceeding 1 million francs shall be imposed on anyone who wilfully:

- a. produces, stores, passes on, uses, imports, exports, transports or brokers goods without the required licence, or fails to comply with the conditions and requirements of a related licence;
- b. passes on to or brokers technology or software for a recipient abroad without the required licence or fails to comply with the conditions and requirements of a related licence;
- c. provides in an application incorrect or incomplete information that is necessary for the granting of a licence, or uses such an application that has been completed by a third party;
- d. <sup>14</sup> fails to report or incorrectly reports goods for import, export, transit or brokerage;
- e. delivers or passes on goods to or brokers goods, or has goods delivered or passed on to or brokered for a person other than the end purchaser or final destination stated in the licence;
- f. allows goods to come into the possession of a person whom he knows or must assume will pass such goods on directly or indirectly to end consumers who may not be supplied with such goods.

<sup>2</sup> In serious cases, the penalty is penal servitude not exceeding ten years, which may be combined with a fine not exceeding 5 million francs.

<sup>3</sup> If the offence is committed through negligence, the penalty is imprisonment not exceeding six months or a fine not exceeding 100 000 francs.

<sup>13</sup> As of 1 Jan. 2007 the potential penalties and prescriptive periods must be interpreted and/or calculated in application of Art. 333 para. 2-6 of the Swiss Criminal Code (SR **311.0**) in the wording of the Federal Act of 13 Dec. 2002 (AS **2006** 3459).

<sup>14</sup> Amended by Annex No 21 of the Customs Act of 18 March 2005, in force since 1 May 2007 (SR **631.0**)

**Art. 15** Contraventions

<sup>1</sup> A sentence of detention or a fine not exceeding 100 000 francs shall be imposed on anyone who wilfully:

- a. refuses to provide information, documents or access to business premises in accordance with Articles 9 and 10 paragraph 1 or provides false information in this connection;
- b. violates in any other way a provision of this Act or of an implementation regulation, the contravention of which is declared to be a criminal offence, or an order issued that makes reference to the penalties provided in this Article provided that the culpable conduct does not constitute a different criminal offence.

<sup>2</sup> Attempts and complicity also constitute a criminal offence.

<sup>3</sup> If the offence is committed through negligence, the penalty is a fine not exceeding 40 000 francs.

<sup>4</sup> The right to prosecute prescribes after five years. In the event that the prescriptive period is interrupted, it may be extended by up to a maximum of one half.

**Art. 15a**<sup>15</sup> Administrative offences

<sup>1</sup> A fine not exceeding 5000 francs shall be imposed on anyone who wilfully or negligently infringes:

- a. a provision of this Act or an implementation regulation, the contravention of which is declared to be a criminal offence;
- b. an order that makes reference to the penalties provided in this Article.

<sup>2</sup> In minor cases, an official warning may be issued instead of a fine.

**Art. 16** Offences by commercial enterprises

In the case of offences by commercial enterprises, Article 6 of the Federal Act on Administrative Criminal Law applies<sup>16</sup>.

**Art. 17**<sup>17</sup> Confiscation of Material

The court shall, without regard to the culpability of any specific person, order the confiscation of the material in question, if and to the extent that no guarantee of its legitimate use is given. The confiscated material, together with any proceeds from its use or sale, shall be forfeited to the Confederation subject to the provisions of the Federal Act of 19 March 2004<sup>18</sup> on the Division of Confiscated Assets.

<sup>15</sup> Inserted by No 14 of the Federal Act of 22 June 2001 on the Streamlining of Federal Legislation on Arms, War Material, Explosives and Goods Usable for Civilian and Military Purposes, in force since 1 March 2002 (AS **2002** 248 257, BBl **2000** 3369).

<sup>16</sup> SR **313.0**

<sup>17</sup> Amended by Annex No 6 of the Federal Act of 19 March 2004 on the Division of Confiscated Assets, in force since 1 Aug. 2004 (SR **312.4**).

<sup>18</sup> SR **312.4**

**Art. 18** Jurisdiction and duty to report

<sup>1</sup> The prosecution and judgement of offences under Articles 14 and 15 are subject to federal criminal jurisdiction.<sup>19</sup>

<sup>1bis</sup> The prosecution and judgement of offences under Article 15a are subject to the Federal Act of 22 March 1974<sup>20</sup> on Administrative Criminal Law.<sup>21</sup>

<sup>2</sup> The licensing and control authorities, the police in the cantons and the communes and the customs authorities are obliged to report to the Office of the Attorney General of Switzerland any offences against this Act that they encounter or that come to their knowledge in the course of their official activities.

**Section 6: Cooperation among Authorities****Art. 19** Administrative assistance within Switzerland

The responsible authorities of the Confederation as well as the cantonal and communal police may provide each other and the relevant supervisory authorities with data, provided this is necessary for the implementation of this Act.

**Art. 20** Administrative assistance between Swiss and foreign authorities

<sup>1</sup> The federal authorities responsible for enforcement, control, crime prevention or prosecution may cooperate with the responsible foreign authorities as well as with international organisations or bodies and coordinate investigations, provided:

- a. this is necessary for the implementation of this Act or corresponding foreign regulations; and
- b. the foreign authorities, international organisations or bodies are required to preserve official secrecy or are bound by a corresponding duty of confidentiality, and guarantee protection against industrial espionage in their domain.

<sup>2</sup> They may in particular request foreign authorities and international organisations or bodies to provide the data that is required. In order to obtain such data, they may disclose to these authorities, organisations or bodies information on:

- a. the nature, quantity, place of destination and use, purpose, and recipients of goods;
- b. persons involved in the manufacture, supply or brokerage of goods;
- c. the financial aspects of the transaction.

<sup>19</sup> Amended by No I 4 of the Federal Act of 22 June 2001 on the Streamlining of Federal Legislation on Arms, War Material, Explosives and Goods Usable for Civilian and Military Purposes, in force since 1 March 2002 (AS 2002 248 257, BBl 2000 3369).

<sup>20</sup> SR 313.0

<sup>21</sup> Inserted by No I 4 of the Federal Act of 22 June 2001 on the Streamlining of Federal Legislation on Arms, War Material, Explosives and Goods Usable for Civilian and Military Purposes, in force since 1. March 2002 (AS 2002 248 257, BBl 2000 3369).

<sup>3</sup> If the foreign state has been granted reciprocal rights, the federal authorities may in accordance with paragraph 1 disclose the data in terms of paragraph 2 on their own initiative or on request, provided the foreign authority gives assurance that the data:

- a. will be processed only for the purposes of this Act; and
- b. will be used in criminal proceedings only if it has been obtained after the fact in accordance with the provisions on international mutual assistance.

<sup>4</sup> The federal authorities may also in accordance with paragraph 1 disclose the data to international organisations or bodies subject to the requirements of paragraph 3, in which case the requirement of reciprocity may be waived.

<sup>5</sup> The provisions on the international mutual assistance in criminal matters are reserved.

**Art. 21<sup>22</sup>** Information service

An information service shall procure, process and pass on data to extent required for the implementation of this Act, crime prevention and prosecution.

**Section 7: Final Provisions**

**Art. 22** Implementation

<sup>1</sup> The Federal Council shall enact the implementation provisions.

<sup>2</sup> The Federal Department of Economic Affairs, Education and Research<sup>23</sup> may amend and update the lists drawn up by the Federal Council in implementation of Article 2 paragraphs 1 and 2 and of Article 8 paragraph 2 letter b.

**Art. 23** Referendum and commencement

<sup>1</sup> This Act is subject to an optional referendum.

<sup>2</sup> The Federal Council shall determine the commencement date.

Commencement date: 1 October 1997<sup>24</sup>

<sup>22</sup> Amended by No I 4 of the Federal Act of 22 June 2001 on the Streamlining of Federal Legislation on Arms, War Material, Explosives and Goods Usable for Civilian and Military Purposes, in force since 1 March 2002 (AS **2002** 248 257, BBl **2000** 3369).

<sup>23</sup> Term in accordance with No I 36 of the Ordinance of 15 June 2012 (Reorganisation of the Departments), in force since 1 Jan. 2013 (AS **2012** 3655).

<sup>24</sup> Federal Council decree of 25 June 1997 (AS **1997** 1703)

## Ordinance

of 4 October 2011

### **on Measures against Individuals and Entities associated with the Taliban**

Pursuant to article 2 of the Law of 10 December 2008 on the Enforcement of International Sanctions (International Sanctions Act, ISA), Liechtenstein Law Gazette LGBl. 2009 No. 41<sup>1</sup>, incorporating the Swiss legal provisions applicable pursuant to the Customs Treaty, and executing Resolutions 1452 (2002) of 20 December 2002, 1735 (2006) of 22 December 2006, 1988 (2011) of 17 June 2011, and 2082 (2012) of 17 December 2012 of the Security Council of the United Nations, the Government enacts the following Ordinance:<sup>2</sup>

#### **I. Compulsory measures**

##### Article 1

##### *Ban on the supply of arms and related material*

1) The supply, sale, and brokerage of arms of any kind, including weapons and ammunition, military vehicles and equipment, paramilitary equipment as well as supplies and replacement parts, to the natural and legal persons, groups, and entities referred to in the Annex shall be prohibited.

2) Granting, selling, and brokering technical advice, assistance, or training in connection with military activities to the natural and legal persons, groups, and entities referred to in the Annex shall be prohibited.

3) These prohibitions shall be subject to the provisions of Swiss war material, goods control, and embargo legislation applicable in Liechtenstein.

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<sup>1</sup> LR 946.21

<sup>2</sup> Preamble amended by LGBl. 2013 No. 32.

## Article 2

### *Freezing of funds and other financial resources*

1) Funds and economic resources in the possession or under the direct or indirect control of the natural and legal persons, groups, and entities referred to in the Annex are hereby frozen.

2) It is prohibited to transfer funds to the natural and legal persons, groups, and entities referred to in the Annex or to make funds and economic resources available to them in other ways, directly or indirectly.

3) After notifying the competent committee of the Security Council of the United Nations and in accordance with the resolutions of that committee or in order to safeguard Liechtenstein interests, the Government may approve payments from frozen accounts, transfers of frozen assets, and the release of frozen economic resources on an exceptional basis. Requests to this effect must be submitted to the Financial Intelligence Unit.

## Article 3

### *Terminology*

In this Ordinance, the following terms have the following meanings:

- a) Taliban: the "Taliban", "Taleban" or "Islamic Movement of Taliban", including its companies, enterprises, facilities, corporations and subgroups in the possession or subject to the control of the Taliban;
- b) funds: financial assets, including cash, cheques, claims on money, drafts, money orders and other payment instruments, deposits, debts and debt obligations, securities and debt instruments, certificates representing securities, bonds, notes, warrants, debentures, derivatives contracts; interest, dividends or other income on or value accruing from or generated by assets; credit, right of set-off, guarantees, performance bonds or other financial commitments; letters of credit, bills of lading, bills of sale, documents evidencing an interest in funds or financial resources, and any other instrument of export-financing;
- c) freezing of funds: preventing any action which makes possible the management or use of the funds, with the exception of the normal administrative actions of banks and investment firms;
- d) economic resources: any type of financial assets, regardless of tangible or intangible, movable or immovable forms, especially real estate and luxury goods, with the exception of funds referred to in (b),
- e) freezing of economic resources: preventing their use for the purchase of funds, goods, or services, including selling, letting, or pledging or mortgaging such resources.

## Article 4

### *Entry and transit*

1) Entry to Liechtenstein or transit through Liechtenstein by the individuals enumerated in the Annex is prohibited.

2) The Government may grant exceptions in accordance with the resolutions of the Security Council of the United Nations. Requests to that effect must be submitted to the Immigration and Passport Office.

## **II. Execution and penal provisions**

## Article 5

### *Control and execution*

1) The Financial Intelligence Unit shall monitor execution of the compulsory measures set out in articles 1 and 2. It shall in particular review requests for exemptions and shall forward them – where necessary after consulting other offices concerned – to the Government with a recommendation.

2) The Immigration and Passport shall monitor execution of the prohibition of entry and transit set out in article 4. It shall in particular review requests for exemptions and shall forward them – where necessary after consulting other offices concerned – to the Government with a recommendation.

3) The competent Liechtenstein authorities shall take the measures necessary to freeze economic resources, such as mention of the blocking order in the Land Register or the attachment or sealing of luxury goods.

4) These provisions shall be subject to the competence of the Swiss authorities.

## Article 6

### *Reporting requirements*

1) Persons and institutions holding or managing money or knowing of economic resources of which it must be assumed that they must be frozen pursuant to article 2, paragraph 1, must report this to the FIU without delay.

2) The reports must include the names of the beneficiaries as well as the object and value of the frozen funds and economic resources.

Article 7

*Penal provisions*

1) Anyone violating article 1, 2, or 4 shall be punished in accordance with article 10 of the International Sanctions Act, unless penal provisions of the Swiss war material, goods control, and embargo legislation are applicable in Liechtenstein.

2) Anyone violating article 5 shall be punished in accordance with article 11 of the International Sanctions Act.

**III. Final provision**

Article 8

*Entry into force*

This Ordinance shall enter into force on the day of its promulgation.

Government:

signed *Dr. Klaus Tschüscher*

Prime Minister



(Article 1, article 2, paragraphs 1 and 2, and article 4)

## **Natural and legal persons, groups, and entities against which the measures set out in articles 1, 2 and 4 are directed**

### **Explanations**

The list of names consists of the following 2 sections:

- A. List of individuals associated with the Taliban
- B. List of entities associated with the Taliban

Every enumerated individual and every entity is assigned a fixed reference number. The reference number consists of three letters and two numbers. The first letter "I" stands for Taliban. The second letter "I" or "E" indicates whether it is an individual (I) or an entity (E). The third letter of the reference number corresponds to the initial letter of the family name of an individual or the initial letter of the name of an entity. The list is ordered alphabetically. The first number of the reference number indicates the order of the entry in the list of the Sanctions Committee. The second number indicates the year of the inclusion.

The spelling of certain names in their original language can be found at the following Internet address:

<http://www.un.org/sc/committees/1988/pdf/1988List.pdf>

Where available, additional information from the summary of reasons for inclusion in the consolidated list can be found at the following Internet address:

<http://www.un.org/sc/committees/1988/narrative.shtml>

The names of individuals and entities deleted from the list can be found at the following Internet address:

<http://www.un.org/sc/committees/1988/pressreleases.shtml>

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<sup>1</sup> Annex amended by LGBl. 2011 No. 527, LGBl. 2012 No. 10, LGBl. 2012 No. 52, LGBl. 2012 No. 64, LGBl. 2012 No. 78, LGBl. 2012 No. 155, LGBl. 2012 No. 160, LGBl. 2012 No. 168, LGBl. 2012 No. 222, LGBl. 2012 No. 228, LGBl. 2012 No. 247, LGBl. 2012 No. 253, LGBl. 2012 No. 336, LGBl. 2012 No. 369, LGBl. 2012 No. 382, LGBl. 2013 No. 13, and LGBl. 2013 No. 32.

## **Abbreviations**

### **Individuals**

#### **Name**

*Name 1, Name 2, Name 3, Name 4*: The names of individuals are listed in the Annex in the order in which they appear in a passport. For every individual, four name fields are available, in order to take account of the identification rules for Arabic names. If four names are provided, the following rule applies: Name 1 corresponds to the given name, Name 2 to the name of the father, Name 3 to the name of the grandfather, and Name 4 to the family name. Often, an individual will have fewer than four names. Wherever possible, the family name is listed in bold, irrespective of the field where it appears. An individual may have fewer than four names for several reasons: a) lack of information on the complete name of the individual, b) the identification rules applicable in the individual's country of origin may not include the four name components usual for Arabic names. It should be noted that the transliteration of Arabic and other names into the Latin alphabet may have several variants. It is therefore expressly recommended that the names be supplemented by the other identification features included in the Annex.

#### **Title**

Honorary, professional, or religious title.

#### **Designation**

Official function.

#### **DOB ("Date of birth")**

Date of birth, including any alternatives.

#### **POB ("Place of birth")**

Town of birth, including any alternatives.

#### **Good quality a.k.a. (a.k.a. = "also known as")**

Alias (also known as), pseudonym sufficient to identify the individual without a doubt.

#### **Low quality a.k.a. (a.k.a. = "also known as")**

Alias (also known as), pseudonym probably not sufficient to identify the individual without a doubt.

#### **Nationality**

Citizenship/nationality.

#### **Passport no.**

Passport number(s).

#### **National identification no.**

National identification number (e.g. number of identity card, number of social insurance card, etc.)

#### **Address**

Address where the individual permanently or temporarily resides/lives (legally or illegally).

**Listed on**

The date the name was included in the UN list.

**Other information**

Information included additionally to the headings above.

**Na ("not available")**

Information that is not available.

**Entities**

**Name**

Name of entity.

**A.k.a. ("Also known as")**

Pseudonym or alias (also known as).

**F.k.a. ("Formerly known as")**

Former name.

**Address**

Address where the entity is domiciled or has branches.

**Listed on**

The date the name was included in the UN list.

**Other information**

Information included additionally to the headings above.

**na ("not available")**

Information that is not available.

## A. List of individuals associated with the Taliban

1. TIA.155.11.  
**Name:** 1: ABDUL AZIZ 2: ABBASIN 3: na 4: na  
**Title:** na **Designation:** na **DOB:** 1969 **POB:** Sheykhhan Village, Pirkowti Area, Orgun District, Paktika Province, Afghanistan  
**Good quality a.k.a.:** Abdul Aziz Mahsud **Low quality a.k.a.:** na  
**Nationality:** na **Passport no.:** na **National identification no.:** na  
**Address:** na **Listed on:** 4 Oct. 2011 **Other information:** Key commander in the Haqqani Network under Sirajuddin Jallaloudine Haqqani (TI.H.144.07.). Taliban Shadow Governor of Orgun District, Paktika Province, Afghanistan as of early 2010. Operated a training camp for non-Afghan fighters in Paktika Province. Has been involved in the transport of weapons to Afghanistan.
2. TIA.38.01.  
**Name:** 1: ABDUL BAQI 2: BASIR 3: AWAL SHAH 4: na  
**Title:** a) Maulavi b) Mullah **Designation:** a) Governor of Khost and Paktika provinces under the Taliban regime b) Vice-Minister of Information and Culture under the Taliban regime c) Consular Department, Ministry of Foreign Affairs under the Taliban regime **DOB:** Approximately 1960-1962 **POB:** a) Jalalabad City, Nangarhar Province, Afghanistan b) Shinwar District, Nangarhar Province, Afghanistan  
**Good quality a.k.a.:** Abdul Baqi (previously listed as) **Low quality a.k.a.:** na  
**Nationality:** Afghan  
**Passport no.:** na **National identification no.:** na  
**Address:** na  
**Listed on:** 23 Feb. 2001 (amended on 3 Sep. 2003, 7 Sep. 2007, 21 Sep. 2007, 29 Nov. 2011, 13 Aug. 2012) **Other information:** Believed to be in Afghanistan/Pakistan border area. Taliban member responsible for Nangarhar Province as at 2008. Until 7 Sep. 2007 he was also listed under number TIA.48.01. Review pursuant to Security Council resolution 1822 (2008) was concluded on 1 Jun. 2010.
3. TIA.128.01.  
**Name:** 1: ABDUL QADEER 2: BASIR 3: ABDUL BASEER 4: na  
**Title:** a) General b) Maulavi **Designation:** Military Attache, Taliban Embassy, Islamabad, Pakistan **DOB:** 1964 **POB:**

a) Surkh Rod District, Nangarhar Province, Afghanistan  
 b) Hisarak District, Nangarhar Province, Afghanistan **Good quality a.k.a.:** a) Abdul Qadir b) Ahmad Haji c) Abdul Qadir Haqqani d) Abdul Qadir Basir **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** Afghan passport number D 000974 **National identification no.:** na **Address:** na **Listed on:** 25 Jan. 2001 (amended on 3 Sep. 2003, 25 Jul. 2006, 23 Apr. 2007, 18 Jul. 2007, 21 Sep. 2007, 29 Nov. 2011, 13 Aug. 2012) **Other information:** Financial advisor to Taliban Peshawar Military Council and Head of Taliban Peshawar Financial Commission. Believed to be in Afghanistan/Pakistan border area. Review pursuant to Security Council resolution 1822 (2008) was concluded on 21 Jul. 2010.

4. TIA.145.10.

**Name:** 1: AMIR 2: ABDULLAH 3: na 4: na

**Title:** na **Designation:** Former Kandahar Province Deputy Taliban Governor **DOB:** Approximately 1972 **POB:** Paktika Province, Afghanistan **Good quality a.k.a.:** na **Low quality a.k.a.:** Amir Abdullah Sahib **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** Karachi, Pakistan **Listed on:** 20 Jul. 2010 (amended on 29 Nov. 2011) **Other information:** Has travelled to Kuwait, Saudi Arabia, the Libyan Arab Jamahiriya and the United Arab Emirates to raise funds for the Taliban. Treasurer to Abdul Ghani Baradar Abdul Ahmad Turk (TI.B.24.01). Believed to be in Afghanistan/Pakistan border area.

5. T.I.A.122.01.  
**Name:** 1: ABDUL MANAN 2: MOHAMMAD ISHAK 3: na 4: na  
**Title:** Maulavi **Designation: a)** First Secretary, Taliban Embassy, Riyadh, Saudi Arabia **b)** Commercial Attache, Taliban Embassy, Abu Dhabi, United Arab Emirates **DOB:** 1940-1941 **POB:** Siyachoy village, Panjwai District, Kandahar Province, Afghanistan **Good quality a.k.a.:** na **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 25 Jan. 2001 (amended on 3 Sep. 2003, 21 Sep. 2007, 29 Nov. 2011, 15 Aug. 2012) **Other information:** Review pursuant to Security Council resolution 1822 (2008) was concluded on 27 Jul. 2010.
- 5a. T.I.A.162.12.  
**Name:** 1: ABDUL SATAR 2: ABDUL MANAN 3: na 4: na  
**Title:** Haji **Designation: na** **DOB:** 1964 **POB: a)** Mirmandaw village, Nahr-e Saraj District, Helmand Province, Afghanistan **b)** Mirmadaw village, Gereshk District, Helmand Province, Afghanistan **c)** Qilla Abdullah, Baluchistan Province, Pakistan **Good quality a.k.a.:** **a)** Haji Abdul Sattar Barakzai **b)** Haji Abdul Satar **c)** Haji Satar Barakzai **d)** Abdulasattar **Low quality a.k.a.:** na **Nationality:** na **Passport no.:** Pakistan passport number AM5421691 expires on 11 Aug. 2013 **National identification no.:** **a)** Pakistan National Identification number 5420250161699 **b)** Afghan National Identification number 585629 **Address: a)** Kachray Road, Pashtunabad, Quetta, Baluchistan Province, Pakistan **b)** Nasrullah Khan Chowk, Pashtunabad Area, Baluchistan Province, Pakistan **c)** Chaman, Baluchistan Province, Pakistan **d)** Abdul Satar Food Shop, Ayno Mina 0093, Kandahar Province, Afghanistan **Listed on:** 29 Jun. 2012 **Other information:** Co-owner of Haji Khairullah Haji Sattar Money Exchange (T.E.H.1.12.) and associated also with Khairullah Barakzai (T.I.K.163.12.). Belongs to Barakzai tribe. Father's name is Hajji 'Abd-al-Manaf.
6. Deleted
7. Deleted
8. T.I.A.114.01.  
**Name:** 1: ABDUL RAHMAN 2: AGHA 3: na 4: na  
**Title:** Maulavi **Designation:** Chief Justice of Military Court under the Taliban regime **DOB:** Approximately 1958 **POB:**

- Arghandab District, Kandahar Province, Afghanistan **Good quality a.k.a.:** na **Low quality a.k.a.:** na **Nationality:** a) Afghan b) Pakistani **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 25 Jan. 2001 (amended on 3 Sep. 2003, 9 Jul. 2007, 21 Sep. 2007, 29 Nov. 2011) **Other information:** Believed to be in Afghanistan/Pakistan border area. Review pursuant to Security Council resolution 1822 (2008) was concluded on 29 Jul. 2010.
9. Deleted
- 9a. TLA.156.12.  
**Name:** 1: AHMAD 2: ZIA 3: AGHA 4: na  
**Title:** Haji **Designation:** na **DOB:** 1974 **POB:** Maiwand District, Kandahar Province, Afghanistan **Good quality a.k.a.:** a) Zia Agha b) Noor Ahmad c) Noor Ahmed **Low quality a.k.a.:** Sia Agha Sayeed **Nationality:** na **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 6 Jan. 2012 **Other information:** Senior Taliban official with military and financial responsibilities as at 2011. Leader of the Taliban's Military Council as of 2010. In 2008 and 2009, served as a Taliban finance officer and distributed money to Taliban commanders in Afghanistan/Pakistan border area.
10. TLA.91.01.  
**Name:** 1: JANAN 2: AGHA 3: na 4: na  
**Title:** Mullah **Designation:** Governor of Faryab Province under the Taliban regime **DOB:** a) Approximately 1958 b) Approximately 1953 **POB:** Tirin Kot city, Uruzgan Province, Afghanistan **Good quality a.k.a.:** Abdullah Jan Agha **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 23 Feb. 2001 (amended on 3 Sep. 2003, 21 Sep. 2007, 29 Nov. 2011) **Other information:** Member of Taliban Supreme Council and advisor to Mullah Mohammed Omar (TI.O.4.01) as at June 2010. Believed to be in Afghanistan/Pakistan border area. Belongs to Sadat ethnic group. Review pursuant to Security Council resolution 1822 (2008) was concluded on 23 Jul. 2010.
11. TLA.57.01.  
**Name:** 1: SAYED 2: MOHAMMAD 3: AZIM 4: AGHA  
**Title:** Maulavi **Designation:** Director of the Passport and Visa Department in the Ministry of Interior under the Taliban regime **DOB:** a) Approximately 1966 b) Approximately 1969 **POB:**

Kandahar Province, Afghanistan **Good quality a.k.a.: a)** Sayed Mohammad Azim Agha **b)** Agha Saheb **Low quality a.k.a.: na**  
**Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 23 Feb. 2001 (amended on 3 Sep. 2003, 9 Jul. 2007, 21 Sep. 2007, 29 Nov. 2011) **Other information:** Believed to be in Afghanistan/Pakistan border area. Review pursuant to Security Council resolution 1822 (2008) was concluded on 23 Jul. 2010.

12. T.I.A.72.01.

**Name:** 1: SAYYED GHIASSOUDDINE 2: AGHA 3: na 4: na  
**Title:** Maulavi **Designation:** **a)** Minister of Haj and Religious Affairs under the Taliban regime **b)** Education Minister under the Taliban regime **DOB:** Approximately 1961 **POB:** Kohistan District, Faryab Province, Afghanistan **Good quality a.k.a.:**  
**a)** Sayed Ghias **b)** Sayed Ghiasuddin Sayed Ghousuddin  
**c)** Sayyed Ghayasudin **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 31 Jan. 2001 (amended on 3 Sep. 2003, 18 Jul. 2007, 21 Sep. 2007, 1 Feb. 2008, 29 Nov. 2011) **Other information:** Taliban member responsible for Faryab, Jawzjan, Sari Pul and Balkh Provinces, Afghanistan as at June 2010. Involved in drug trafficking. Member of Taliban Supreme Council and Taliban Military Council as at December 2009. Believed to be in Afghanistan/Pakistan border area. Belongs to Sadat ethnic group. Review pursuant to Security Council resolution 1822 (2008) was concluded on 27 Jul. 2010.

13. T.I.A.31.01.

**Name:** 1: MOHAMMAD 2: AHMADI 3: na 4: na  
**Title:** **a)** Mullah **b)** Haji **Designation:** **a)** President of Central Bank (Da Afghanistan Bank) under the Taliban regime **b)** Minister of Finance under the Taliban regime **DOB:** Approximately 1963 **POB:** **a)** Daman District, Kandahar Province, Afghanistan **b)** Panjwai District, Kandahar Province, Afghanistan **Good quality a.k.a.:** na **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 23 Feb. 2001 (amended on 3 Sep. 2003, 21 Sep. 2007, 29 Nov. 2011) **Other information:** Believed to be in Afghanistan/Pakistan border area. Belongs to Kakar tribe. He is a member of the Taliban Supreme Council. Review pursuant to Security Council resolution 1822 (2008) was concluded on 23 Jul. 2010.



14. TLA.106.01.  
**Name:** 1: MOHAMMAD SHAFIQ 2: AHMADI 3: FATIH KHAN 4: na  
**Title:** Mullah **Designation:** Governor of Samangan Province under the Taliban regime **DOB:** 1956-1957 **POB:** Charmistan village, Tirin Kot District, Uruzgan Province, Afghanistan **Good quality a.k.a.:** Mohammad Shafiq Ahmadi (previously listed as) **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 23 Feb. 2001 (amended on 3 Sep. 2003, 21 Sep. 2007, 1 Jun. 2012, 13 Aug. 2012) **Other information:** Belongs to Hottak tribe. Review pursuant to Security Council resolution 1822 (2008) was concluded on 27 Jul. 2010.
15. TLA.81.01.  
**Name:** 1: AHMADULLAH 2: na 3: na 4: na  
**Title:** Qari **Designation:** Minister of Security (Intelligence) under the Taliban regime **DOB:** a) Approximately 1975 b) Approximately 1965 **POB:** a) Khogyani area, Qarabagh District, Ghazni Province, Afghanistan b) Andar District, Ghazni Province, Afghanistan **Good quality a.k.a.:** a) Ahmadulla b) Mohammad Ahmadullah **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 25 Jan. 2001 (amended on 3 Sep. 2003, 18 Jul. 2007, 21 Sep. 2007, 12 Apr. 2010, 29 Nov. 2011) **Other information:** Reportedly deceased in Dec. 2001. Belonged to Khogyani tribe. Review pursuant to Security Council resolution 1822 (2008) was concluded on 20 Jul. 2010.
16. TLA.94.01.  
**Name:** 1: ABDUL BARI 2: AKHUND 3: na 4: na  
**Title:** a) Maulavi b) Mullah **Designation:** Governor of Helmand Province under the Taliban regime **DOB:** Approximately 1953 **POB:** a) Baghran District, Helmand Province, Afghanistan b) Now Zad District, Helmand Province, Afghanistan **Good quality a.k.a.:** Haji Mullah Sahib **Low quality a.k.a.:** Zakir **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 23 Feb. 2001 (amended on 3 Sep. 2003, 18 Jul. 2007, 21 Sep. 2007, 13 Feb. 2012) **Other information:** Member of the Taliban Supreme Council as of 2009. Believed to be in Afghanistan/Pakistan border area. Belongs to Alokozai tribe. Member of Taliban leadership in Helmand

- Province, Afghanistan. Review pursuant to Security Council resolution 1822 (2008) was concluded on 1 Jun. 2010.
17. TIA.85.01.  
**Name:** 1: AHMED JAN 2: AKHUNDZADA 3: WAZIR 4: na  
**Title:** Maulavi **Designation:** Minister of Water and Electricity under the Taliban regime **DOB:** Between 1953 and 1958 **POB:**  
 a) Kandahar Province, Afghanistan b) Tirin Kot District, Uruzgan Province, Afghanistan **Good quality a.k.a.:** a) Haji Ahmad Jan b) Ahmed Jan Akhund (previously listed as) **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 25 Jan. 2001 (amended on 3 Sep. 2003, 21 Sep. 2007, 29 Nov. 2011) **Other information:** Member of Taliban Supreme Military Council as at 2009. Believed to be in Afghanistan/Pakistan border area. Review pursuant to Security Council resolution 1822 (2008) was concluded on 21 Jul. 2010.
18. TIA.9.01.  
**Name:** 1: ATTIQULLAH 2: AKHUND 3: na 4: na  
**Title:** Maulavi **Designation:** Deputy Minister of Agriculture under the Taliban regime **DOB:** Approximately 1953 **POB:** Shah Wali Kot District, Kandahar Province, Afghanistan **Good quality a.k.a.:** na **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 23 Feb. 2001 (amended on 3 Sep. 2003, 21 Sep. 2007, 29 Nov. 2011) **Other information:** Member of Taliban Supreme Military Council as well as Taliban Supreme Council as at June 2010. Belongs to Popalzai tribe. Review pursuant to Security Council resolution 1822 (2008) was concluded on 23 Jul. 2010.
- 18a. TIA.158.12.  
**Name:** 1: MOHAMMAD 2: AMAN 3: AKHUND 4: na  
**Title:** na **Designation:** na **DOB:** 1970 **POB:** Bande Tumor Vilage, Maiwand District, Kandahar Province, Afghanistan **Good quality a.k.a.:** a) Mohammed Aman b) Mullah Mohammed Oman **Low quality a.k.a.:** a) Mullah Mad Aman Ustad Noorzai  
 b) Sanaullah **Nationality:** na **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 6 Jan. 2012 **Other information:** Senior Taliban member as at 2011 with financial duties, including raising funds on behalf of the leadership. Has provided logistical support for Taliban operations and channeled

proceeds from drug trafficking to arms purchases. Has acted as secretary to Taliban leader Mullah Mohammed Omar (T.I.O.4.01) and as his messenger at senior-level meetings of the Taliban. Also associated with Gul Agha Ishakzai (T.I.I.147.10). Member of Mullah Mohammed Omar's (T.I.O.4.01) inner circle during the Taliban regime.

19. T.I.H.118.01.

**Name:** 1: HAMIDULLAH 2: AKHUND 3: SHER MOHAMMAD 4: na

**Title:** Mullah **Designation:** Head of Ariana Afghan Airlines under the Taliban regime **DOB:** Between 1972 and 1973 **POB:** a) Sarpolad village, Washer District, Helmand Province, Afghanistan b) Arghandab District, Kandahar Province, Afghanistan **Good quality a.k.a.:** a) Janat Gul b) Hamidullah Akhund (previously listed as) **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** Afghanistan **Listed on:** 25 Jan. 2001 (amended on 3 Sep. 2003, 9 Jul. 2007, 21 Sep. 2007, 29 Nov. 2011, 13 Aug. 2012) **Other information:** Belongs to Ghilzai tribe. Review pursuant to Security Council resolution 1822 (2008) was concluded on 21 Jul. 2010.

20. T.I.H.2.01.

**Name:** 1: MOHAMMAD 2: HASSAN 3: AKHUND 4: na

**Title:** a) Mullah b) Haji **Designation:** a) First Deputy, Council of Ministers under the Taliban regime b) Foreign Minister under the Taliban regime c) Governor of Kandahar under the Taliban regime d) Political Advisor of Mullah Mohammed Omar **DOB:** a) Approximately 1955-1958 b) Approximately 1945-1950 **POB:** Pashmul village, Panjwai District, Kandahar Province, Afghanistan **Good quality a.k.a.:** na **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 25 Jan. 2001 (amended on 3 Sep. 2003, 20 Dec. 2005, 9 Jul. 2007, 21 Sep. 2007, 29 Nov. 2011) **Other information:** A close associate of Mullah Mohammed Omar (T.I.O.4.01). Member of Taliban Supreme Council as at Dec. 2009. Belongs to Kakar tribe. Review pursuant to Security Council resolution 1822 (2008) was concluded on 21 Jul. 2010.

21. T.I.A.66.01.

**Name:** 1: MOHAMMAD ABBAS 2: AKHUND 3: na 4: na

**Title:** Mullah **Designation:** Minister of Public Health under the

Taliban regime **DOB:** Approximately 1963 **POB:** Khas Uruzgan District, Uruzgan Province, Afghanistan **Good quality a.k.a.:** na **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 25 Jan. 2001 (amended on 3 Sep. 2003, 21 Sep. 2007, 29 Nov. 2011) **Other information:** Member of Taliban Supreme Council in charge of the Medical Committee as of Jan. 2011. Believed to be in Afghanistan/Pakistan border area. Belongs to Barakzai tribe. Review pursuant to Security Council resolution 1822 (2008) was concluded on 29 Jul. 2010.

22. T.I.A.60.01.

**Name:** 1: MOHAMMAD ESSA 2: AKHUND 3: na 4: na  
**Title:** a) Alhaj b) Mullah **Designation:** Minister of Water, Sanitation and Electricity under the Taliban regime **DOB:** Approximately 1958 **POB:** Mial area, Spin Boldak District, Kandahar Province, Afghanistan **Good quality a.k.a.:** na **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 25 Jan. 2001 (amended on 3 Sep. 2003, 21 Sep. 2007, 29 Nov. 2011) **Other information:** Belongs to Nurzai tribe. Review pursuant to Security Council resolution 1822 (2008) was concluded on 27 Jul. 2010.

23. T.I.A.22.01.

**Name:** 1: UBAIDULLAH 2: AKHUND 3: YAR MOHAMMAD AKHUND 4: na  
**Title:** a) Mullah b) Hadji c) Maulavi **Designation:** Minister of Defence under the Taliban regime **DOB:** a) Approximately 1968 b) 1969 **POB:** a) Sangisar village, Panjwai District, Kandahar Province, Afghanistan b) Arghandab District, Kandahar Province, Afghanistan c) Nalgham area, Zheray District, Kandahar Province, Afghanistan **Good quality a.k.a.:** a) Obaidullah Akhund b) Obaid Ullah Akhund **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 25 Jan. 2001 (amended on 3 Sep. 2003, 18 Jul. 2007, 21 Sep. 2007, 29 Nov. 2011, 18 May 2012) **Other information:** He was one of the deputies of Mullah Mohammed Omar (TI.0.4.01) and a member of the Taliban's Supreme Council, in charge of military operations. Arrested in 2007 and was in custody in Pakistan. Reportedly deceased in March 2010. Linked by marriage to Saleh Mohammad Kakar Akhtar Muhammad (TI.K.149.10). Belonged to Alokozai tribe. Review

- pursuant to Security Council resolution 1822 (2008) was concluded on 21 Jul. 2010.
24. TLA.109.01.  
**Name:** 1: AHMAD JAN 2: AKHUNDZADA 3: SHUKOOR 4: AKHUNDZADA  
**Title:** a) Maulavi b) Mullah Designation: Governor of Zabol and Uruzgan Provinces under the Taliban regime **DOB:** 1966-1967 **POB:** a) Lablan village, Dehrawood District, Uruzgan Province, Afghanistan b) Zurmat District, Paktia Province, Afghanistan **Good quality a.k.a.:** a) Ahmad Jan Akhonzada b) Ahmad Jan Akhund Zada **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 25 Jan. 2001 (amended on 3 Sep. 2003, 21 Sep. 2007, 12 Apr. 2010, 29 Nov. 2011, 1 Jun. 2012) **Other information:** Taliban member responsible for Uruzgan Province, Afghanistan, as at early 2007. Brother-in-law of Mullah Mohammed Omar (T.I.O.4.01). Believed to be in Afghanistan/Pakistan border area. Review pursuant to Security Council resolution 1822 (2008) was concluded on 29 Jul. 2010.
25. TLA.101.01.  
**Name:** 1: MOHAMMAD ESHAQ 2: AKHUNZADA 3: na 4: na  
**Title:** Maulavi **Designation:** Governor of Laghman Province under the Taliban regime **DOB:** Between 1963 and 1968 **POB:** Andar District, Ghazni Province, Afghanistan **Good quality a.k.a.:** Mohammad Ishaq Akhund born in 1963 **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 23 Feb. 2001 (amended on 3 Sep. 2003, 21 Sep. 2007, 29 Nov. 2011) **Other information:** Taliban commander for Ghazni Province as at 2008. Belongs to Andar tribe. Review pursuant to Security Council resolution 1822 (2008) was concluded on 23 Jul. 2010.
26. TLA.148.10.  
**Name:** 1: AGHA 2: JAN 3: ALIZAI 4: na  
**Title:** Haji **Designation:** na **DOB:** a) 15 Oct. 1963 b) 14 Feb. 1973 c) 1967 d) Approximately 1957 **POB:** a) Hitemchai village, Helmand Province, Afghanistan b) Kandahar Province, Afghanistan **Good quality a.k.a.:** a) Haji Agha Jan Alizai b) Hajji Agha Jan c) Agha Jan Alazai d) Haji Loi Lala e) Loi Agha f) Abdul Habib **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na

- National identification no.:** na **Address:** na **Listed on:** 4 Nov. 2010 (amended on 13 Aug. 2012) **Other information:** Has managed a drug trafficking network in Helmand Province, Afghanistan. Has regularly travelled to Pakistan.
27. TIA.21.01.  
**Name:** 1: ALLAH DAD 2: MATI 3: na 4: na  
**Title:** Mullah **Designation:** a) Minister of Urban Development under the Taliban regime b) President of Central Bank (Da Afghanistan Bank) under the Taliban regime c) Head of Ariana Afghan Airlines under the Taliban regime **DOB:** a) Approximately 1953 b) Approximately 1960 **POB:** Spin Boldak District, Kandahar Province, Afghanistan **Good quality a.k.a.:** a) Allahdad (previously listed as) b) Shahidwr **Low quality a.k.a.:** Akhund **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 31 Jan. 2001 (amended on 3 Sep. 2003, 21 Sep. 2007, 29 Nov. 2011) **Other information:** One foot lost in landmine explosion. Believed to be in Afghanistan/Pakistan border area. Belongs to Nurzai tribe. Review pursuant to Security Council resolution 1822 (2008) was concluded on 27 Jul. 2010.
28. TIA.107.01.  
**Name:** 1: AMINULLAH 2: AMIN 3: QUDDUS 4: na  
**Title:** Maulavi **Designation:** Governor of Saripul Province under the Taliban regime **DOB:** Approximately 1973 **POB:** Loy Karez village, Spin Boldak District, Kandahar Province, Afghanistan **Good quality a.k.a.:** a) Muhammad Yusuf b) Aminullah Amin (previously listed as) **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Ad-dress:** na **Listed on:** 23 Feb. 2001 (amended on 3 Sep. 2003, 21 Sep. 2007, 29 Nov. 2011) **Other information:** Member of Taliban Supreme Council as at 2011. Belongs to Nurzai tribe. Review pursuant to Security Council resolution 1822 (2008) was concluded on 27 Jul. 2010.
29. TIA.136.01.  
**Name:** 1: MOHAMMAD SADIQ 2: AMIR MOHAMMAD 3: na 4: na  
**Title:** a) Alhaj b) Maulavi **Designation:** Head of Afghan Trade Agency, Peshawar, Pakistan **DOB:** 1934 **POB:** a) Ghazni Province, Afghanistan b) Logar Province, Afghanistan **Good quality a.k.a.:** na **Low quality a.k.a.:** na **Nationality:** Afghan **Passport**

- no.:** Afghan passport number SE 011252 **National identification no.:** na **Address:** na **Listed on:** 25 Jan. 2001 (amended on 3 Sep. 2003, 25 Jul. 2006, 23 Apr. 2007, 21 Sep. 2007, 29 Nov. 2011, 13 Aug. 2012) **Other information:** Reportedly deceased. Review pursuant to Security Council resolution 1822 (2008) was concluded on 21 Jul. 2010.
30. TLA.5.01.  
**Name:** 1: MUHAMMAD 2: TAHER 3: ANWARI 4: na  
**Title:** Mullah **Designation:** a) Director of Administrative Affairs under the Taliban regime b) Minister of Finance under the Taliban regime **DOB:** Approximately 1961 **POB:** Zurmat District, Paktia Province, Afghanistan **Good quality a.k.a.:** a) Mohammad Taher Anwari b) Muhammad Tahir Anwari c) Mohammad Tahre Anwari **Low quality a.k.a.:** Haji Mudir **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 23 Feb. 2001 (amended on 3 Sep. 2003, 9 Jul. 2007, 21 Sep. 2007, 29 Nov. 2011) **Other information:** Belongs to Andar tribe. Review pursuant to Security Council resolution 1822 (2008) was concluded on 23 Jul. 2010.
31. TLA.30.01.  
**Name:** 1: AREFULLAH 2: AREF 3: na 4: na  
**Title:** Maulavi **Designation:** a) Deputy Minister of Finance under the Taliban regime b) Governor of Ghazni Province under the Taliban regime c) Governor of Paktia Province under the Taliban regime **DOB:** Approximately 1958 **POB:** a) Zurmat District, Paktia Province, Afghanistan b) Andar District, Ghazni Province, Afghanistan **Good quality a.k.a.:** na **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 31 Jan. 2001 (amended on 3 Sep. 2003, 21 Sep. 2007, 29 Nov. 2011) **Other information:** Believed to be in Afghanistan/Pakistan border area. Belongs to Andar tribe. Review pursuant to Security Council resolution 1822 (2008) was concluded on 27 Jul. 2010.
32. TLA.80.01.  
**Name:** 1: SAYED ESMATULLAH 2: ASEM 3: ABDUL QUDDUS 4: na  
**Title:** Maulavi **Designation:** a) Deputy Minister of Preventing Vice and Propagating Virtue under the Taliban regime b) Secretary General of the Afghan Red Crescent Society (ARCS) under the Taliban regime **DOB:** Approximately 1967 **POB:** Qalayi

Shaikh, Chaparhar District, Nangarhar Province, Afghanistan  
**Good quality a.k.a.:** a) Esmatullah Asem b) Asmatullah Asem c) Sayed Esmatullah Asem (previously listed as) **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 23 Feb. 2001 (amended on 3 Sep. 2003, 18 Jul. 2007, 21 Sep. 2007, 27 Sep. 2007, 29 Nov. 2011, 13 Aug. 2012) **Other information:** Member of the Taliban's Supreme Council as of May 2007. Believed to be in the Afghanistan/Pakistan border area. Member of the Taliban Peshawar Shura. Responsible for Afghan Taliban activity in Federally Administrated Tribal Areas, Pakistan as at 2008. A leading expert in IED and suicide attacks as of 2012. Review pursuant to Security Council resolution 1822 (2008) was concluded on 1 Jun. 2010.

33. T.I.A.70.01.

**Name:** 1: ATIQULLAH 2: na 3: na 4: na

**Title:** a) Haji b) Mullah **Designation:** Deputy Minister of Public Works under the Taliban regime **DOB:** Approximately 1962 **POB:** a) Tirin Kot District, Uruzgan Province, Afghanistan b) Arghandab District, Kandahar Province, Afghanistan **Good quality a.k.a.:** na **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 31 Jan. 2001 (amended on 3 Sep. 2003, 21 Sep. 2007, 29 Nov. 2011) **Other information:** Member of Taliban Supreme Council Political Commission as at 2010. Believed to be in Afghanistan/Pakistan border area. Belongs to Alizai tribe. Review pursuant to Security Council resolution 1822 (2008) was concluded on 27 Jul. 2010.

34. T.I.A.121.01.

**Name:** 1: AZIZIRAHMAN 2: ABDUL AHAD 3: na 4: na  
**Title:** Mr **Designation:** Third Secretary, Taliban Embassy, Abu Dhabi, United Arab Emirates **DOB:** 1972 **POB:** Shega District, Kandahar Province, Afghanistan **Good quality a.k.a.:** na **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** Afghan national identification card (tazkira) number 44323 **Address:** na **Listed on:** 25 Jan. 2001 (amended on 3 Sep. 2003, 21 Sep. 2007, 29 Nov. 2011) **Other information:** Belongs to Hotak tribe. Review pursuant to Security Council resolution 1822 (2008) was concluded on 29 Jul. 2010.

35. T.I.B.24.01.



**Name:** 1: ABDUL GHANI 2: BARADAR 3: ABDUL AHMAD TURK 4: na

**Title:** Mullah **Designation:** Deputy Minister of Defence under the Taliban regime **DOB:** Approximately 1968 **POB:** Yatimak village, Dehrawood District, Uruzgan Province, Afghanistan **Good quality a.k.a.: a)** Mullah Baradar Akhund **b)** Abdul Ghani Baradar, (previously listed as) **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 23 Feb. 2001 (amended on 3 Sep. 2003, 18 Jul. 2007, 21 Sep. 2007, 13 Feb. 2012) **Other information:** Arrested in Feb. 2010 and in custody in Pakistan. Extradition request to Afghanistan pending in Lahore High Court, Pakistan as of June 2011. Belongs to Popalzai tribe. Senior Taliban military commander and member of Taliban Quetta Council as of May 2007. Review pursuant to Security Council resolution 1822 (2008) was concluded on 1 Jun. 2010.

36. TLD.113.01.

**Name:** 1: SHAHABUDDIN 2: DELAWAR 3: na 4: na

**Title:** Maulavi **Designation:** Deputy of High Court under the Taliban regime **DOB:** a) 1957 b) 1953 **POB:** Logar Province, Afghanistan **Good quality a.k.a.:** na **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 23 Feb. 2001 (amended on 3 Sep. 2003, 18 Jul. 2007, 21 Sep. 2007, 29 Nov. 2011) **Other information:** Deputy Head of Taliban Embassy in Riyadh, Saudi Arabia until 25 Sept. 1998. Believed to be in Afghanistan/Pakistan border area. Review pursuant to Security Council resolution 1822 (2008) was concluded on 27 Jul. 2010.

37. TLD.92.01.

**Name:** 1: DOST MOHAMMAD 2: na 3: na 4: na

**Title:** a) Mullah b) Maulavi **Designation:** Governor of Ghazni Province under the Taliban regime **DOB:** Between 1968 and 1973 **POB:** Nawi Deh village, Daman District, Kandahar Province, Afghanistan **Good quality a.k.a.:** Doost Mohammad **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 25 Jan. 2001 (amended on 3 Sep. 2003, 18 Jul. 2007, 21 Sep. 2007, 29 Nov. 2011) **Other information:** Associated with Mullah Jalil Haqqani (T.H.34.01). Believed to be in Afghanistan/Pakistan border area. Belongs to Popalzai tribe. Review pursuant to

Security Council resolution 1822 (2008) was concluded on 27 Jul. 2010.

38. T.I.E.63.01.

**Name:** 1: MOHAMMAD AZAM 2: ELMI 3: na 4: na  
**Title:** Maulavi **Designation:** Deputy Minister of Mines and Industries under the Taliban regime **DOB:** Approximately 1968 **POB:** Sayd Karam District, Paktia Province, Afghanistan **Good quality a.k.a.:** Muhammad Azami **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 23 Feb. 2001 (amended on 3 Sep. 2003, 18 Jul. 2007, 21 Sep. 2007, 29 Nov. 2011) **Other information:** Reportedly deceased in 2005. Review pursuant to Security Council resolution 1822 (2008) was concluded on 29 Jul. 2010.

39. T.I.F.36.01.

**Name:** 1: FAIZ 2: na 3: na 4: na  
**Title:** Maulavi **Designation:** Head of the Information Department, Ministry of Foreign Affairs under the Taliban regime **DOB:** Approximately 1969 **POB:** Ghazni Province, Afghanistan **Good quality a.k.a.:** na **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 23 Feb. 2001 (amended on 3 Sep. 2003, 9 Jul. 2007, 21 Sep. 2007, 29 Nov. 2011) **Other information:** Review pursuant to Security Council resolution 1822 (2008) was concluded on 23 Jul. 2010.

39a. T.I.G.161.12.

**Name:** 1: BAKHT 2: GUL 3: na 4: na  
**Title:** na **Designation:** na **DOB:** 1980 **POB:** Aki Village, Zadran District, Paktiya Province, Afghanistan **Good quality a.k.a.:** a) Bakhta Gul b) Bakht Gul Bahar c) Shuqib **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** Miram Shah, North Waziristan, Federally Administered Tribal Areas, Pakistan **Listed on:** 27 Jun. 2012 **Other information:** Communications assistant to Badruddin Haqqani (T.I.H.151.11). Also coordinates movement of Haqqani insurgents, foreign fighters and weapons in the Afghanistan/Pakistan border area. Belongs to Zadran tribe.

40. T.I.N.69.01.

**Name:** 1: RUSTUM 2: HANAFI 3: HABIBULLAH 4: na  
**Title:** Maulavi **Designation:** Deputy Minister of Public Works under the Taliban regime **DOB:** Approximately 1963 **POB:**

Dara Kolum, Do Aab District, Nuristan Province, Afghanistan  
**Good quality a.k.a.:** Rostam Nuristani **Low quality a.k.a.:**  
 Hanafi Sahib **Nationality:** Afghan **Passport no.:** na **National  
 identification no.:** na **Address:** na **Listed on:** 25 Jan. 2001  
 (amended on 3 Sep. 2003, 18 Jul. 2007, 21 Sep. 2007, 29 Nov.  
 2011, 18 May 2012, 13 Aug. 2012) **Other information:** Taliban  
 member responsible for Nuristan Province, Afghanistan, as of  
 May 2007. Belongs to Nuristani tribe. Reportedly deceased in  
 early 2012. Review pursuant to Security Council resolution 1822  
 (2008) was concluded on 23 Jul. 2010.

41. TLH.140.01.

**Name:** 1: GUL AHMAD 2: HAKIMI 3: na 4: na

**Title:** Maulavi **Designation:** Commercial Attache, Taliban Con-  
 sulate General, Karachi, Pakistan **DOB:** 1964 **POB:** a) Logar  
 Province, Afghanistan b) Kabul Province, Afghanistan **Good  
 quality a.k.a.:** na **Low quality a.k.a.:** na **Nationality:** Afghan  
**Passport no.:** na **National identification no.:** na **Address:** na  
**Listed on:** 25 Jan. 2001 (amended on 3 Sep. 2003, 21 Sep. 2007,  
 3 Oct. 2008, 29 Nov. 2011) **Other information:** Believed to be  
 in Afghanistan/Pakistan border area. Review pursuant to Security  
 Council resolution 1822 (2008) was concluded on 29 Jul. 2010.

42. TLH.141.01.

**Name:** 1: ABDULLAH 2: HAMAD 3: MOHAMMAD  
 KARIM 4: na

**Title:** Maulavi **Designation:** Consul General, Taliban  
 Consulate General, Quetta, Pakistan **DOB:** 1972 **POB:**  
 Darweshan village, Hazar Juft area, Garmser District, Helmand  
 Province, Afghanistan **Good quality a.k.a.:** al-Hammad **Low  
 quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** Afghan  
 passport number D 000857, issued on 20 Nov. 1997 **National  
 identification no.:** Afghan national identification card (tazkira)  
 number 300786 **Address:** na **Listed on:** 25 Jan. 2001  
 (amended on 3 Sep. 2003, 25 Jul. 2006, 21 Sep. 2007, 3 Oct.  
 2008, 29 Nov. 2011) **Other information:** Believed to be in  
 Afghanistan/Pakistan border area. Belongs to Baloch ethnic  
 group. Review pursuant to Security Council resolution 1822  
 (2008) was concluded on 29 Jul. 2010.

43. TI.H.143.01.  
**Name:** 1: HAMDULLAH 2: ALLAH NOOR 3: na 4: na  
**Title:** Maulavi **Designation:** Repatriation Attache, Taliban Consulate General, Quetta, Pakistan **DOB:** 1973 **POB:** District Number 6, Kandahar City, Kandahar Province, Afghanistan **Good quality a.k.a.:** na **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** Afghan identification card (tazkira) number 4414 **Address:** na **Listed on:** 25 Jan. 2001 (amended on 3 Sep. 2003, 21 Sep. 2007, 29 Nov. 2011) **Other information:** Believed to be in Afghanistan/Pakistan border area. Belongs to Baloch ethnic group. Review pursuant to Security Council resolution 1822 (2008) was concluded on 21 Jul. 2010. Alternative **Title:** Hafiz.
44. Deleted
45. TI.H.43.01.  
**Name:** 1: DIN MOHAMMAD 2: HANIF 3: na 4: na  
**Title:** Qari **Designation:** a) Minister of Planning under the Taliban regime b) Minister of Higher Education under the Taliban regime **DOB:** Approximately 1955 **POB:** Shakarlab village, Yaftali Pain District, Badakhshan Province, Afghanistan **Good quality a.k.a.:** a) Qari Din Mohammad b) Iadena Mohammad, **DOB:** 01/01/1969. **POB:** Badakhshan. **Nationality:** Afghan **Passport no.:** OA 454044. **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 25 Jan. 2001 (amended on 3 Sep. 2003, 9 Jul. 2007, 21 Sep. 2007, 29 Nov. 2011) **Other information:** Member of Taliban Supreme Council responsible for Takhar and Badakhshan provinces. Believed to be in Afghanistan/Pakistan border area. Review pursuant to Security Council resolution 1822 (2008) was concluded on 27 Jul. 2010.

46. TI.A.34.01.  
**Name:** 1: ABDUL JALIL 2: HAQQANI 3: na 4: na  
**Title:** a) Maulavi b) Mullah **Designation:** Deputy Minister of Foreign Affairs under the Taliban regime **DOB:** Approximately 1963 **POB:** a) Arghandaab District, Kandahar Province, Afghanistan b) andahar City, Kandahar Province, Afghanistan **Good quality a.k.a.:** a) bdul Jalil Akhund b) Mullah Akhtar, born in 1965 in Kandahar, Afghanistan passport number OR 1961825 issued on 4 Feb. 2003 by the Afghan Consulate in Quetta, Pakistan, expired 2 Feb. 2006 **Low quality a.k.a.:** Nazar Jan **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 25 Jan. 2001 (amended on 3 Sep. 2003, 18 Jul. 2007, 21 Sep. 2007, 27 Sep. 2007, 13 Feb. 2012) **Other information:** Believed to be in Afghanistan/Pakistan border area. Member of the Taliban Supreme Council as of May 2007. Member of the Financial Commission of the Taliban Council. Review pursuant to Security Council resolution 1822 (2008) was concluded on 21 Jul. 2010.
47. TI.H.151.11.  
**Name:** 1: BADRUDDIN 2: HAQQANI 3: na 4: na  
**Title:** na **Designation:** na **DOB:** Approximately 1975-1979 **POB:** Miramshah, North Waziristan, Pakistan **Good quality a.k.a.:** na **Low quality a.k.a.:** Atiqullah **Nationality:** na **Passport no.:** na **National identification no.:** na **Address:** Miram Shah, Pakistan **Listed on:** 11 May 2011 (amended on 1 Jun. 2012) **Other information:** Operational commander of the Haqqani Network and member of the Taliban shura in Miram Shah. Has helped lead attacks against targets in southeastern Afghanistan. Son of Jalaluddin Haqqani (TI.H.40.01.). Brother of Sirajuddin Jallaloudine Haqqani (TI.H.144.07.) and Nasiruddin Haqqani (TI.H.146.10.). Nephew of Khalil Ahmed Haqqani (TI.H.150.11.). Reportedly deceased in late August 2012.
48. TI.E.64.01.  
**Name:** 1: EZATULLAH 2: HAQQANI 3: KHAN SAYYID 4: na  
**Title:** Maulavi **Designation:** Deputy Minister of Planning under the Taliban regime **DOB:** Approximately 1957 **POB:** Alingar District, Laghman Province, Afghanistan **Good quality a.k.a.:** Ezatullah Haqqani (previously listed as) **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification**

**no.:** na **Address:** na **Listed on:** 23 Feb. 2001 (amended on 3 Sep. 2003, 18 Jul. 2007, 21 Sep. 2007, 27 Sep. 2007, 29 Nov. 2011) **Other information:** Member of the Taliban Peshawar Shura as of 2008. Believed to be in Afghanistan/Pakistan border area. Review pursuant to Security Council resolution 1822 (2008) was concluded on 1 Jun. 2010.

48a.

TI.K.163.12.

**Name:** 1: KHAIRULLAH 2: BARAKZAI 3: KHUDAI NAZAR 4: na

**Title:** Haji **Designation:** na **DOB:** 1965 **POB:** a) Zumbaleh village, Nahr-e Saraj District, Helmand Province, Afghanistan b) Mirmadaw village, Gereshk District, Helmand Province, Afghanistan c) Qilla Abdullah, Baluchistan Province, Pakistan

**Good quality a.k.a.:** a) Haji Khairullah b) Haji Khair Ullah c) Haji Kheirullah d) Haji Karimullah e) Haji Khair Mohammad

**Low quality a.k.a.:** na **Nationality:** na **Passport no.:** Pakistan passport number BP4199631 expires on 25 Jun. 2014 **National identification no.:** Pakistan National Identification number 5440005229635 **Address:** Abdul Manan Chowk, Pashtunabad, Quetta, Baluchistan Province **Listed on:** 29 Jun. 2012 **Other information:** Co-owner of Haji Khairullah Haji Sattar Money Exchange (TE.H.1.12.) and associated also with Abdul Satar Abdul Manan (TI.A.162.12.). Belongs to Barakzai tribe. Father's name is Haji Khudai Nazar. Alternative father's name is Nazar Mohammad.

48b. TI.Q.165.12.

**Name:** 1: MOHAMMED QASIM 2: SADOZAI 3: KHUDAI RAHIM 4: na

**Title:** Haji **Designation:** na **DOB:** Between 1975 and 1976 **POB:** Minar village, Garmser District, Helmand Province, Afghanistan

**Good quality a.k.a.:** Muhammad Qasim **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na

**National identification no.:** a) Afghan national identification card (tazkira) number 57388 issued in Lashkar Gah District, Helmand Province, Afghanistan b) Residential card number 665, Ayno Maina, Kandahar Province, Afghanistan

**Address:** a) Wesh, Spin Boldak District, Kandahar Province, Afghanistan b) Safaar Bazaar, Garmser District, Helmand Province, Afghanistan

c) Room number 33, 5th Floor Sarafi Market, Kandahar City, Kandahar Province, Afghanistan **Listed on:** 21 Nov. 2012 **Other informa-**

**tion:** Owner of Rahat Ltd. (TE.R.13.12.). Involved in the supply of weapons for Taliban, including improvised explosive devices (IED). Father's name is Haji Mullah Wali. Alternative father's name is Haji Sadozai. Grandfather's name is Khudai Rahim. Associated with Rahat Ltd. (TE.R.13.12.).

49. TI.H.40.01.

**Name:** 1: JALALUDDIN 2: HAQQANI 3: na 4: na

**Title:** Maulavi **Designation:** Minister of Frontier Affairs under the Taliban regime **DOB:** a) Approximately 1942 b) Approximately 1948 **POB:** a) Garda Saray area, Waza Zadran District, Paktia Province, Afghanistan b) Neka District, Paktika Province, Afghanistan **Good quality a.k.a.:** a) Jalaluddin Haqqani b) Jallalouddin Haqqani c) Jallalouddine Haqqani **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 31 Jan. 2001 (amended on 3 Sep. 2003, 18 Jul. 2007, 21 Sep. 2007, 27 Sep. 2007, 1 Feb. 2008, 31 Jul. 2008, 3 Oct. 2008, 29 Nov. 2011)

**Other information:** Father of Sirajuddin Jallaloudine Haqqani (TI.H.144.07.), Nasiruddin Haqqani (TI.H.146.10) and Badruddin Haqqani (TI.H.151.11). Brother of Mohammad Ibrahim Omari (TI.O.42.01) and Khalil Ahmed Haqqani (TI.H.150.11). He is an active Taliban leader. Believed to be in Afghanistan/Pakistan border area. Head of the Taliban Miram Shah Shura as at 2008. Belongs to Zadran tribe. Review pursuant to Security Council resolution 1822 (2008) was concluded on 27 Jul. 2010.

50. TI.H.150.11.

**Name:** 1: KHALIL 2: AHMED 3: HAQQANI 4: na

**Title:** Haji **Designation:** na **DOB:** a) 1 Jan. 1966 b) Between 1958 and 1964 **POB:** Sarana Village, Garda Saray area, Waza Zadran District, Paktia Province, Afghanistan **Good quality a.k.a.:** a) Khalil Al-Rahman Haqqani b) Khalil ur Rahman Haqqani c) Khaleel Haqqani **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** a) Peshawar, Pakistan b) Near Dergey Manday Madrasa in Dergey Manday Village, near Miram Shah, North Waziristan Agency (NWA), Federally Administered Tribal Areas (FATA), Pakistan c) Kayla Village, near Miram Shah, North Waziristan Agency (NWA), Federally Administered Tribal Areas (FATA), Pakistan d) Sarana Zadran Village, Paktia Province, Afghanistan **Listed on:** 9 Feb. 2011 (amended on 1 Jun. 2012) **Other infor-**

**mation:** Senior member of the Haqqani Network, which operates out of North Waziristan in the Federally Administered Tribal Areas of Pakistan. Has previously traveled to, and raised funds in, Dubai, United Arab Emirates. Brother of Jalaluddin Haqqani (TI.H.40.01.) and uncle of Sirajuddin Jallaloudine Haqqani (TI.H.144.07.).

51. TI.H.73.01.

**Name:** 1: MOHAMMAD 2: MOSLIM 3: HAQQANI 4: MUHAMMADI GUL

**Title:** Maulavi **Designation:** a) Deputy Minister of Haj and Religious Affairs under the Taliban regime b) Deputy Minister of Higher Education under the Taliban regime **DOB:** 1965 **POB:** Gorgan village, Pul-e-Khumri District, Baghlan Province, Afghanistan **Good quality a.k.a.:** Moslim Haqqani **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** Afghan national identification card (tazkira) number 1136 issued **Address:** na **Listed on:** 25 Jan. 2001 (amended on 3 Sep. 2003, 18 Jul. 2007, 21 Sep. 2007, 3 Oct. 2008, 29 Nov. 2011) **Other information:** Ethnic Pashtun from Baghlan Province. Believed to be in Afghanistan/Pakistan border area. Review pursuant to Security Council resolution 1822 (2008) was concluded on 29 Jul. 2010.

52. TI.H.79.01.

**Name:** 1: MOHAMMAD SALIM 2: HAQQANI 3: na 4: na **Title:** Maulavi **Designation:** Deputy Minister of Preventing Vice and Propagating Virtue under the Taliban regime **DOB:** Approximately 1966-1967 **POB:** Alingar District, Laghman Province, Afghanistan **Good quality a.k.a.:** na **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 31 Jan. 2001 (amended on 3 Sep. 2003, 18 Jul. 2007, 21 Sep. 2007, 29 Nov. 2011) **Other information:** Deputy Commander of Ezatullah Haqqani Khan Sayyid (TI.H.64.01) as at Mar. 2010. Member of Taliban Peshawar Military Council as at June 2010. Belongs to Pashai ethnic group. Review pursuant to Security Council resolution 1822 (2008) was concluded on 27 Jul. 2010.

53. TI.H.146.10.

**Name:** 1: NASIRUDDIN 2: HAQQANI 3: na 4: na **Title:** na **Designation:** na **DOB:** Approximately 1970-1973 **POB:** Neka District, Paktika Province, Afghanistan **Good qual-**



- ity a.k.a.: a) Naseer Haqqani b) Dr. Naseer Haqqani c) Nassir Haqqani d) Nashir Haqqani Low quality a.k.a.: a) Naseruddin b) Dr. Alim Ghair Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** Pakistan **Listed on:** 20 Jul. 2010 (amended on 29 Jul. 2011) **Other information:** A leader of the Haqqani Network, which operates out of North Waziristan in the Federally Administered Tribal Areas of Pakistan. Son of Jalaluddin Haqqani (TI.H.40.01). Has travelled to Saudi Arabia and the United Arab Emirates to raise funds for the Taliban.
54. TI.H.6.01.  
**Name:** 1: SAYYED MOHAMMED 2: HAQQANI 3: na 4: na  
**Title:** Mullah **Designation:** a) Director of Administrative Affairs under the Taliban regime b) Head of Information and Culture in Kandahar Province under the Taliban regime **DOB:** Approximately 1965 **POB:** Chaharbagh village, Arghandab District, Kandahar Province, Afghanistan **Good quality a.k.a.:** Sayyed Mohammad Haqqani **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Ad-dress:** na **Listed on:** 31 Jan. 2001 (amended on 3 Sep. 2003, 20 Dec. 2005, 18 Jul. 2007, 21 Sep. 2007, 29 Nov. 2011) **Other information:** Graduate of the Haqqaniya madrasa in Akora Khattak, Pakistan. Believed to have had close relations with Taliban Leader Mullah Mohammed Omar (TI.O.4.01). Believed to be in Afghanistan/Pakistan border area. Member of Taliban Supreme Council as at June 2010. Belongs to Barakzay tribe. Review pursuant to Security Council resolution 1822 (2008) was concluded on 27 Jul. 2010.
55. TI.H.144.07.  
**Name:** 1: SIRAJUDDIN 2: JALLALOUUDINE 3: HAQQANI 4: na  
**Title:** na **Designation:** Na'ib Amir (Deputy Commander) **DOB:** approximately 1977/1978 **POB:** a) Danda, Miramshah, North Waziristan, Pakistan b) Srana village, Garda Saray district, Paktia province, Afghanistan c) Neka district, Paktika province, Afghanistan d) Khost province, Afghanistan **Good quality a.k.a.:** a) Siraj Haqqani b) Serajuddin Haqqani c) Siraj Haqqani d) Saraj Haqqani **Low quality a.k.a.:** Khalifa **Nationality:** Afghan **National identification no.:** na **Address:** a) Kela neighborhood/Danda neighborhood, Miramshah, North Waziristan, Pakistan b) Manba'ul uloom Madrasa, Miramshah,

North Waziristan, Pakistan **c)** Dergey Manday Madrasa, Miramshah, North Waziristan, Pakistan **Listed on:** 13 Sep. 2007 **Other information:** Since 2004, major operational commander in eastern and southern regions of Afghanistan. Son of Jallaloudine Haqani (TI.H.40.01). Belongs to Sultan Khel section, Zardan tribe of Garda Saray of Paktia province, Afghanistan. Believed to be in the Afghanistan/Pakistan border area.

56. TI.H.142.01.

**Name:** 1: ABDUL HAI 2: HAZEM 3: ABDUL QADER 4: na **Title:** **a)** Maulavi **b)** Mullah **Designation:** First Secretary, Taliban Consulate General, Quetta, Pakistan **DOB:** 1971 **POB:** Pashawal Yargatoo village, Andar District, Ghazni Province, Afghanistan **Good quality a.k.a.:** Abdul Hai Hazem (previously listed as) **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** Afghan passport number D 0001203 **National identification no.:** na **Address:** **a)** Iltifat village, Shakardara District, Kabul Province, Afghanistan **b)** Puli Charkhi Area, District Number 9, Kabul City, Kabul Province **Listed on:** 25 Jan. 2001 (amended on 3 Sep. 2003, 25 Jul. 2006, 21 Sep. 2007, 29 Nov. 2011) **Other information:** Review pursuant to Security Council resolution 1822 (2008) was concluded on 29 Jul. 2010.

57. TI.H.14.01.

**Name:** 1: HIDAYATULLAH 2: na 3: na 4: na **Title:** na **Designation:** Deputy Minister of Civil Aviation and Tourism under the Taliban regime **DOB:** Approximately 1968 **POB:** Arghandab District, Kandahar Province, Afghanistan **Good quality a.k.a.:** Abu Turab **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 8 Mar. 2001 (amended on 3 Sep. 2003, 21 Sep. 2007, 28 Feb. 2008, 3 Oct. 2008, 29 Nov. 2011) **Other information:** Believed to be in Afghanistan/Pakistan border area. Belongs to Ghilzai tribe. Review pursuant to Security Council resolution 1822 (2008) was concluded on 29 Jul. 2010.

58. TI.H.49.01.

**Name:** 1: ABDUL RAHMAN 2: AHMAD 3: HOTTAK 4: na **Title:** Maulavi **Designation:** **a)** Deputy (Cultural) Minister of Information and Culture under the Taliban regime **b)** Head of Consular Department of Ministry of Foreign Affairs under the Taliban regime **DOB:** Approximately 1957 **POB:** Ghazni Prov-

- ince, Afghanistan **Good quality a.k.a.:** Hottak Sahib **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 25 Jan. 2001 (amended on 3 Sep. 2003, 9 Jul. 2007, 21 Sep. 2007, 29 Nov. 2011) **Other information:** Believed to be in Afghanistan/Pakistan border area. Belongs to Hottak tribe. Review pursuant to Security Council resolution 1822 (2008) was concluded on 29 Jul. 2010.
59. TLH.71.01.  
**Name:** 1: NAJIBULLAH 2: HAQQANI 3: HIDAYATULLAH, 4: na  
**Title:** Maulavi **Designation:** Deputy Minister of Finance under the Taliban regime **DOB:** a) Approximately 1964 b) 1969 **POB:** Moni village, Shigal District, Kunar Province **Good quality a.k.a.:** Najibullah Haqani **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 23 Feb. 2001 (amended on 3 Sep. 2003, 18 Jul. 2007, 21 Sep. 2007, 27 Sep. 2007, 29 Nov. 2011) **Other information:** Cousin of Moulavi Noor Jalal (TIJ.56.01). Taliban member responsible for Laghman Province as of late 2010. Review pursuant to Security Council resolution 1822 (2008) was concluded on 1 Jun. 2010.
60. TLL.147.10.  
**Name:** 1: GUL 2: AGHA 3: ISHAKZAI 4: na  
**Title:** na **Designation:** na **DOB:** Approximately 1972 **POB:** Band-e-Timor, Maiwand District, Kandahar Province, Afghanistan **Good quality a.k.a.:** a) Mullah Gul Agha b) Mullah Gul Agha Akhund **Low quality a.k.a.:** a) Hidayatullah b) Haji Hidayatullah c) Hayadatullah **Nationality:** na **Passport no.:** na **National identification no.:** na **Address:** Pakistan **Listed on:** 20 Jul. 2010 (amended on 29 Nov. 2011) **Other information:** Member of a Taliban Council that coordinates the collection of zakat (Islamic tax) from Baluchistan Province, Pakistan. Head of Taliban Financial Commission. Associated with Mullah Mohammed Omar (TLO.4.01). Served as Omar's principal finance officer and one of his closest advisors. Belongs to Ishaqzai tribe.
61. Deleted
62. TIJ.47.01.  
**Name:** 1: QUDRATULLAH 2: JAMAL 3: na 4: na  
**Title:** Maulavi **Designation:** Minister of Information under the

Taliban regime **DOB:** Approximately 1963 **POB:** Gardez, Paktia Province, Afghanistan **Good quality a.k.a.:** Haji Sahib **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 25 Jan. 2001 (amended on 3 Sep. 2003, 18 Jul. 2007, 21 Sep. 2007, 29 Nov. 2011) **Other information:** Member of Taliban Supreme Council and member of Taliban Cultural Commission as at 2010. Believed to be in Afghanistan/Pakistan border area. Review pursuant to Security Council resolution 1822 (2008) was concluded on 21 Jul. 2010.

63. T.I.K.149.10.

**Name:** 1: SALEH 2: MOHAMMAD 3: KAKAR 4: AKHTAR MUHAMMAD

**Title:** na **Designation:** na **DOB:** a) Approximately 1962 b) 1961 **POB:** a) Nalgham village, Panjwai District, Kandahar Province, Afghanistan b) Sangesar village, Panjway District, Kandahar Province, Afghanistan **Good quality a.k.a.:** Saleh Mohammad **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 4 Nov. 2010 (amended on 29 Nov. 2011, 13 Aug. 2012) **Other information:** Has run an organized smuggling network in Kandahar and Helmand provinces, Afghanistan. Previously operated heroin processing laboratories in Band-e-Timor, Kandahar Province, Afghanistan. Has owned a car dealership in Mirwais Mena, Dand District in Kandahar Province, Afghanistan. Arrested in 2008-2009 and in custody in Afghanistan as at 2011. Linked by marriage to Mullah Ubaidullah Akhund Yar Mohammad Akhund (T.I.A.22.01). Belongs to Kakar tribe.

64. T.I.K.137.01.

**Name:** 1: RAHMATULLAH 2: KAKAZADA 3: na 4: na

**Title:** a) Maulavi b) Mullah **Designation:** Consul General, Taliban Consulate General, Karachi, Pakistan **DOB:** 1968 **POB:** Zurmat District, Paktia Province, Afghanistan **Good quality a.k.a.:** a) Rehmattullah b) Kakazada **Low quality a.k.a.:** Mullah Nasir **Nationality:** Afghan **Passport no.:** Afghan passport number D 000952 issued on 7 Jan. 1999 **National identification no.:** na **Address:** na **Listed on:** 25 Jan. 2001 (amended on 3 Sep. 2003, 25 Jul. 2006, 18 Jul. 2007, 21 Sep. 2007, 29 Nov. 2011) **Other information:** Taliban member responsible for Ghazni Province, Afghanistan, as of May 2007. Head of an intelligence

network. Believed to be in Afghanistan/Pakistan border area. Belongs to Suleimankheil tribe. Review pursuant to Security Council resolution 1822 (2008) was concluded on 21 Jul. 2010.

65. TLK.25.01.

**Name:** 1: ABDUL RAUF 2: KHADEM 3: na 4: na

**Title:** Mullah **Designation:** Commander of Central Corps under the Taliban regime **DOB:** a) Between 1958 and 1963 b) Approximately 1970 **POB:** a) Azan village, Kajaki District, Helmand Province, Afghanistan b) Spin Boldak District, Kandahar Province, Afghanistan **Good quality a.k.a.:** Mullah Abdul Rauf Aliza **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 23 Feb. 2001 (amended on 3 Sep. 2003, 21 Sep. 2007, 13 Feb. 2012) **Other information:** Member of the Taliban Quetta Shura as at 2009. Taliban member responsible for Uruzgan Province, Afghanistan, as at 2011. Review pursuant to Security Council resolution 1822 (2008) was concluded on 1 Jun. 2010.

66. TLK.93.01.

**Name:** 1: KHAIRULLAH 2: KHAIRKHWAH 3: na 4: na

**Title:** a) Maulavi b) Mullah **Designation:** a) Governor of Herat Province under the Taliban regime b) Spokesperson of the Taliban regime c) Governor of Kabul Province under the Taliban regime d) Minister of Internal Affairs under the Taliban regime **DOB:** Approximately 1963 **POB:** Arghistan District, Kandahar Province, Afghanistan **Good quality a.k.a.:** a) Mullah Khairullah Khairkhwah b) Khirullah Said Wali Khairkhwa, born in Kandahar on 01 Jan.1967 **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 25 Jan. 2001 (amended on 3 Sep. 2003, 21 Sep. 2007, 3 Oct. 2008, 12 Apr. 2010, 29 Nov. 2011) **Other information:** In custody of the United States of America as at 2010. Belongs to Popalzai tribe. Review pursuant to Security Council resolution 1822 (2008) was concluded on 23 Jul. 2010.

67. TLA.53.01.

**Name:** 1: ABDUL RAZAQ 2: AKHUND 3: LALA AKHUND 4: na

**Title:** Mullah **Designation:** a) Minister of Interior Affairs under the Taliban regime b) Chief of Kabul Police under the Taliban regime **DOB:** Approximately 1958 **POB:** Spin Boldak District, Kandahar Province, Afghanistan, in the area bordering Chaman

District, Quetta, Pakistan **Good quality a.k.a.:** na **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 25 Jan. 2001 (amended on 3 Sep. 2003, 18 Jul. 2007, 21 Sep. 2007, 29 Nov. 2011) **Other information:** Member of Taliban Supreme Council as at June 2008. Deputy of Mullah Mohammed Omar (T.I.O.4.01) as at Mar. 2010. Involved in drug trafficking. Believed to be in Afghanistan/Pakistan border area. Review pursuant to Security Council resolution 1822 (2008) was concluded on 21 Jul. 2010.

68. T.I.M.119.01.

**Name:** 1: JAN MOHAMMAD 2: MADANI 3: IKRAM 4: na  
**Title:** Maulavi **Designation:** Charge d'Affaires, Taliban Embassy, Abu Dhabi, United Arab Emirates **DOB:** 1954-1955  
**POB:** Siyachoy village, Panjwai District, Kandahar Province, Afghanistan **Good quality a.k.a.:** na **Low quality a.k.a.:** na  
**Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 25 Jan. 2001 (amended on 3 Sep. 2003, 21 Sep. 2007, 29 Nov. 2011, 15 Aug. 2012) **Other information:** Believed to be in Afghanistan/Pakistan border area. Belongs to Alizai tribe. Review pursuant to Security Council resolution 1822 (2008) was concluded on 29 Jul. 2010.

69. T.I.M.102.01.

**Name:** 1: ZIA-UR-RAHMAN 2: MADANI 3: na 4: na  
**Title:** Maulavi **Designation:** Governor of Logar Province under the Taliban regime **DOB:** Approximately 1960 **POB:** Taliqan, Takhar Province, Afghanistan **Good quality a.k.a.:** a) Ziaurrahman Madani b) Zaia u Rahman Madani c) Madani Saheb d) iya' al-Rahman Madani **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 23 Feb. 2001 (amended on 3 Sep. 2003, 18 Jul. 2007, 21 Sep. 2007, 27 Sep. 2007, 1 Feb. 2008, 13 Feb. 2012) **Other information:** Involved in drug trafficking. Taliban member responsible for military affairs in Takhar province, Afghanistan, as of May 2007. Facilitated fund raising in the Gulf on behalf of the Taliban since 2003. Also facilitated meetings between Taliban officials and wealthy supporters and arranged for more than a dozen individuals to travel to Kabul, Afghanistan, for suicide attacks. Believed to be in Afghanistan/Pakistan border area. Review pursuant to Security Council resolution 1822 (2008) was concluded on 23 Jul. 2010.

70. TLM.7.01.  
**Name:** 1: ABDUL LATIF 2: MANSUR 3: na 4: na  
**Title:** Maulavi **Designation:** Minister of Agriculture under the Taliban regime **DOB:** Approximately 1968 **POB:** a) Zurmat District, Paktia Province, Afghanistan b) Garda Saray District, Paktia Province, Afghanistan **Good quality a.k.a.:** a) Abdul Latif Mansoor b) Wali Mohammad **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 31 Jan. 2001 (amended on 3 Sep. 2003, 18 Jul. 2007, 21 Sep. 2007, 13 Feb. 2012) **Other information:** Member of Taliban Miram Shah Shura , as of May 2007. Member of the Taliban Supreme Council and Head of Council's Political Commission as at 2009. Taliban commander in Eastern Afghanistan as of 2010. Taliban member responsible for Nangarhar Province, Afghanistan as of late 2009. Believed to be in Afghanistan/Pakistan border area. Belongs to Sahak tribe (Ghilzai). Review pursuant to Security Council resolution 1822 (2008) was concluded on 27 Jul. 2010.
71. TLM.68.01.  
**Name:** 1: MOHAMMADULLAH 2: MATI 3: na 4: na  
**Title:** Maulavi **Designation:** Minister of Public Works under the Taliban regime **DOB:** Approximately 1961 **POB:** Arghandab District, Kandahar Province, Afghanistan **Good quality a.k.a.:** Mawlawi Nanai **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 25 Jan. 2001 (amended on 3 Sep. 2003, 21 Sep. 2007, 3 Oct. 2008, 29 Nov. 2011) **Other information:** Lost one leg in 1980s. Interim leader of Taliban Supreme Council from February to April 2010. Believed to be in Afghanistan/Pakistan border area. Belongs to Isakzai tribe. Review pursuant to Security Council resolution 1822 (2008) was concluded on 29 Jul. 2010.
72. TLM.20.01.  
**Name:** 1: MATTULLAH 2: na 3: na 4: na  
**Title:** Mullah **Designation:** Director, Kabul Custom House under the Taliban regime **DOB:** Approximately 1973 **POB:** Daman District, Kandahar Province, Afghanistan **Good quality a.k.a.:** na **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 23 Feb. 2001 (amended on 3 Sep. 2003, 21 Sep. 2007, 3 Oct. 2008, 29 Nov. 2011) **Other information:** Believed to be in Afghani-

stan/Pakistan border area. Belongs to Popalzai tribe. Review pursuant to Security Council resolution 1822 (2008) was concluded on 23 Jul. 2010.

73. TIM.135.01.

**Name:** 1: ABDUL QUDDUS 2: MAZHARI 3: na 4: na

**Title:** Maulavi **Designation:** Education Attache, Taliban Consulate General, Peshawar, Pakistan **DOB:** 1970 **POB:** Kunduz Province, Afghanistan **Good quality a.k.a.:** Akhtar Mohammad Maz-hari (previously listed as) **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** Afghan passport number SE 012820, issued on 4 Nov. 2000 **National identification no.:** na **Address:** Kushal Khan Mena, District Number 5, Kabul, Afghanistan **Listed on:** 25 Jan. 2001 (amended on 3 Sep. 2003, 25 Jul. 2006, 18 Jul. 2007, 21 Sep. 2007, 29 Nov. 2011) **Other information:** Belongs to Popalzai tribe. Review pursuant to Security Council resolution 1822 (2008) was concluded on 27 Jul. 2010.

74. TIM.23.01.

**Name:** 1: FAZL MOHAMMAD 2: MAZLOOM 3: na 4: na  
**Title:** Mullah **Designation:** Deputy Chief of Army Staff of the Taliban regime **DOB:** Between 1963 and 1968 **POB:** Uruzgan, Afghanistan **Good quality a.k.a.:** a) Molah Fazl b) Fazel Mohammad Mazloom **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 23 Feb. 2001 (amended on 3 Sep. 2003, 21 Sep. 2007, 3 Oct. 2008) **Other information:** na

75. TIM.153.11.

**Name:** 1: FAIZULLAH 2: KHAN 3: NOORZAI 4: na

**Title:** Haji **Designation:** na **DOB:** a) 1966 b) 1961 c) Between 1968 and 1970 d) 1962 **POB:** a) Lowy Kariz, Spin Boldak District, Kandahar Province, Afghanistan b) Kadanay, Spin Boldak District, Kandahar Province, Afghanistan c) Chaman, Baluchistan Province, Pakistan **Good quality a.k.a.:** a) Haji Faizullah Noor b) Faizullah Noorzai Akhtar Mohammed Mira Khan, (previously listed as) c) Hajji Faizullah Khan Noorzai; Haji Faizuulah Khan Norezai; Haji Faizullah Khan; Haji Fiazullah d) Haji Faizullah Noori **Low quality a.k.a.:** a) Haji Pazullah Noorzai b) Haji Mullah Faizullah **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** a) Boghra Road, Miralzei Village, Chaman, Baluchistan Province, Pakistan



- b)** Kalay Rangin, Spin Boldak District, Kandahar Province, Afghanistan **Listed on:** 4 Oct. 2011 (amended on 29 Nov. 2011, 1 Jun. 2012) **Other information:** Prominent Taliban financier. As of mid-2009, supplied weapons, ammunition, explosives and medical equipment to Taliban fighters; and raised funds for the Taliban, and provided training to them, in the Afghanistan/Pakistan border region. Has previously organized and funded Taliban operations in Kandahar Province, Afghanistan. As of 2010, travelled to and owned businesses in Dubai, United Arab Emirates, and Japan. Belongs to Noorzai tribe, Miralzai sub-tribe. Brother of Malik Noorzai (TI.N.154.11.). Father's name is Akhtar Mohammed (a.k.a.: Haji Mira Khan).
76. TIM.100.01.  
**Name:** 1: NAZIR MOHAMMAD 2: ABDUL BASIR 3: na 4: na **Title:** Maulavi **Designation:** **a)** Mayor of Kunduz City **b)** Acting, Governor of Kunduz Province under the Taliban regime **DOB:** 1954 **POB:** Malaghi Village, Kunduz District, Kunduz Province, Afghanistan **Good quality a.k.a.:** Nazar Mohammad (previously listed as) **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 23 Feb. 2001 (amended on 3 Sep. 2003, 21 Sep. 2007, 18 May 2012) **Other information:** Alternative title: Sar Muallim. Reportedly deceased on 9 November 2008. Review pursuant to Security Council resolution 1822 (2008) was concluded on 27 Jul. 2010.
77. Deleted
78. TIM.99.01.  
**Name:** 1: MOHAMMAD SHAFIQ 2: MOHAMMADI 3: na 4: na **Title:** Maulavi **Designation:** **a)** Governor of Khost Province under the Taliban regime **b)** Governor General of Paktia, Paktika, Khost and Ghazni Provinces under the Taliban regime **DOB:** Approximately 1948 **POB:** Tirin Kot District, Uruzgan Province, Afghanistan **Good quality a.k.a.:** na **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 25 Jan. 2001 (amended on 3 Sep. 2003, 21 Sep. 2007, 29 Nov. 2011) **Other information:** Believed to be in Afghanistan/Pakistan border area. Belongs to Hottak tribe. Review pursuant to Security Council resolution 1822 (2008) was concluded on 29 Jul. 2010.

79. T.I.A.3.01.  
**Name:** 1: ABDUL KABIR 2: MOHAMMAD JAN 3: na 4: na  
**Title:** Maulavi **Designation:** a) Second Deputy, Economic Affairs, Council of Ministers under the Taliban regime b) Governor of Nangarhar Province under the Taliban regime c) Head of Eastern Zone under the Taliban regime **DOB:** Approximately 1963 **POB:** a) Pul-e-Khumri or Baghlan Jadid District, Baghlan Province, Afghanistan b) Neka District, Paktia Province, Afghanistan **Good quality a.k.a.:** A. Kabir **Low quality a.k.a.:** na  
**Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 25 Jan. 2001 (amended on 3 Sep. 2003, 20 Dec. 2005, 18 Jul. 2007, 21 Sep. 2007, 13 Feb. 2012, 13 Aug. 2012) **Other information:** Active in terrorist operations in Eastern Afghanistan. Collects money from drug traffickers. Believed to be in Afghanistan/Pakistan border area. Member of the Taliban Supreme Council as at 2009. Belongs to Zadran tribe. Review pursuant to Security Council resolution 1822 (2008) was concluded on 23 Jul. 2010.
80. T.I.M.104.01.  
**Name:** 1: MOHAMMAD RASUL 2: AYYUB 3: na 4: na  
**Title:** Maulavi **Designation:** Governor of Nimroz Province under the Taliban regime **DOB:** Between 1958 and 1963 **POB:** Robat village, Spin Boldak District, Kandahar Province, Afghanistan **Good quality a.k.a.:** Gurg **Low quality a.k.a.:** na  
**Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 23 Feb. 2001 (amended on 3 Sep. 2003, 21 Sep. 2007, 29 Nov. 2011) **Other information:** Member of the Taliban Quetta Shura. Believed to be in Afghanistan/Pakistan border area. Belongs to Nurzay tribe. Review pursuant to Security Council resolution 1822 (2008) was concluded on 27 Jul. 2010.
81. T.I.M.78.01.  
**Name:** 1: MOHAMMAD WALI 2: MOHAMMAD EWAZ 3: na 4: na  
**Title:** Maulavi **Designation:** Minister of Ministry of Preventing Vice and Propagating Virtue under the Taliban regime **DOB:** Approximately 1965 **POB:** a) Jelawur village, Arghandab District, Kandahar Province, Afghanistan b) Siyachoy village, Panjwai District, Kandahar Province, Afghanistan **Good quality a.k.a.:** Mohammad Wali (previously listed as) **Low quality a.k.a.:** na

- Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 31 Jan. 2001 (amended on 3 Sep. 2003, 21 Sep. 2007, 29 Nov. 2011, 13 Aug. 2012) **Other information:** Reportedly deceased in December 2006. Belonged to Ghilzai tribe. Review pursuant to Security Council resolution 1822 (2008) was concluded on 27 Jul. 2010.
82. T.I.M.52.01.  
**Name:** 1: MOHAMMAD YAQOUB 2: na 3: na 4: na  
**Title:** Maulavi **Designation:** Head of Bakhtar Information Agency (BIA) under the Taliban regime **DOB:** Approximately 1966 **POB:** a) Shahjoi District, Zabul Province, Afghanistan b) Janda District, Ghazni Province, Afghanistan **Good quality a.k.a.:** na **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 23 Feb. 2001 (amended on 3 Sep. 2003, 21 Sep. 2007, 29 Nov. 2011, 1 Jun. 2012) **Other information:** Member of Taliban Cultural Commission. Believed to be in Afghanistan/Pakistan border area. Belongs to Kharoti tribe. Review pursuant to Security Council resolution 1822 (2008) was concluded on 23 Jul. 2010.
83. T.I.M.26.01.  
**Name:** 1: AMIR KHAN 2: MOTAQI 3: na 4: na  
**Title:** Mullah **Designation:** a) Minister of Education under the Taliban regime b) Taliban representative in UN-led talks under the Taliban regime **DOB:** Approximately 1968 **POB:** a) Zurmat District, Paktia Province, Afghanistan b) Shin Kalai village, Nade-Ali District, Helmand Province, Afghanistan **Good quality a.k.a.:** Amir Khan Muttaqi **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 25 Jan. 2001 (amended on 3 Sep. 2003, 21 Sep. 2007, 29 Nov. 2011) **Other information:** Member of the Taliban Supreme Council as at June 2007. Believed to be in Afghanistan/Pakistan border area. Belongs to Sulaimankhel tribe. Review pursuant to Security Council resolution 1822 (2008) was concluded on 21 Jul. 2010.
84. T.I.M.51.01.  
**Name:** 1: ABDULHAI 2: MOTMAEN 3: na 4: na  
**Title:** Maulavi **Designation:** a) Director of the Information and Culture Department in Kandahar Province under the Taliban regime b) Spokesperson of the Taliban regime **DOB:** Approximately 1973 **POB:** a) Shinkalai village, Nad-e-Ali District,

Helmand Province, Afghanistan **b)** Zabul Province, Afghanistan  
**Good quality a.k.a.:** na **Low quality a.k.a.:** na **Nationality:**  
 Afghan **Passport no.:** na **National identification no.:** na  
**Ad-**  
**dress:** na **Listed on:** 23 Feb. 2001 (amended on 3 Sep. 2003,  
 21 Sep. 2007, 29 Nov. 2011) **Other information:** Member of  
 the  
 Taliban Supreme Council and spokesperson for Mullah Mo-  
 hammed Omar (TI.O.4.01) as of 2007. Believed to be in Af-  
 ghanistan/Pakistan border area. Belongs to Kharoti tribe. Re-  
 view pursuant to Security Council resolution 1822 (2008) was  
 concluded on 23 Jul. 2010.

85.

T.I.T.16.01.

**Name:** 1: ALLAH DAD 2: TAYEB 3: WALI 4: MUHAMMAD  
**Title:** **a)** Mullah **b)** Haji **Designation:** Deputy Minister of  
 Communication under the Taliban regime **DOB:** Approximately  
 1963 **POB:** **a)** Ghorak District, Kandahar Province, Afghanistan  
**b)** Nesh District, Uruzgan Province, Afghanistan **Good quality**  
**a.k.a.:** **a)** Allah Dad Tayyab **b)** Allah Dad Tabeeb **Low quality**  
**a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National iden-**  
**tification no.:** na **Address:** na **Listed on:** 25 Jan. 2001 (amended  
 on 3 Sep. 2003, 18 Jul. 2007, 21 Sep. 2007, 29 Nov. 2011) **Other**  
**information:** Belongs to Popalzai tribe. Review pursuant to  
 Security Council resolution 1822 (2008) was concluded on 29  
 Jul. 2010.

86.

T.I.M.132.01.

**Name:** 1: NAJIBULLAH 2: MUHAMMAD JUMA 3: na 4: na  
**Title:** Maulavi **Designation:** Consul General, Taliban Consulate  
 General, Peshawar, Pakistan **DOB:** 1958 **POB:** Zere Kohi area,  
 Shindand District, Farah Province, Afghanistan **Good quality**  
**a.k.a.:** na **Low quality a.k.a.:** Najib Ullah **Nationality:** Afghan  
**Passport no.:** Afghan passport number 000737, issued on 20 Oct.  
 1996 **National identification no.:** na **Address:** na **Listed on:**  
 25 Jan. 2001 (amended on 3 Sep. 2003, 25 Jul. 2006, 23 Apr. 2007,  
 21 Sep. 2007, 29 Nov. 2011) **Other information:** Member  
 of Taliban Peshawar Military Council as at 2010. Believed to be in  
 Afghanistan/Pakistan border area. Review pursuant to Security  
 Council resolution 1822 (2008) was concluded on 21 Jul. 2010.

87.

T.I.N.13.01.

**Name:** 1: MOHAMMAD 2: NAIM BARICH 3:  
 KHUDAIDAD 4: na  
**Title:** Mullah **Designation:** Deputy Minister of Civil Aviation

under the Taliban regime **DOB:** Approximately 1975 **POB:** a) Lakhi village, Hazarjuft Area, Garmsir District, Helmand Province, Afghanistan b) Laki village, Garmsir District, Helmand Province, Afghanistan c) Lakari village, Garmsir District, Helmand Province, Afghanistan d) Darvishan, Garmsir District, Helmand Province, Afghanistan e) De Luy Wiyalah village, Garmsir District, Helmand Province, Afghanistan **Good quality a.k.a.:** a) Mullah Naeem Barech b) Mullah Naeem Baraich c) Mullah Naimullah d) Mullah Naim Bareh e) Mohammad Naim, (previously listed as) f) Mullah Naim Barich g) Mullah Naim Barech h) Mullah Naim Barech Akhund i) Mullah Naeem Baric j) Naim Berich k) Haji Gul Mohammed Naim Barich l) Gul Mohammad m) Haji Ghul Mohammad n) Gul Mohammad Kamran **Low quality a.k.a.:** Spen Zrae **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 23 Feb. 2001 (amended on 3 Sep. 2003, 9 Jul. 2007, 21 Sep. 2007, 13 Feb. 2012, 13 Aug. 2012) **Other information:** Member of the Taliban Gerd-e-Jangal Council as of Jun. 2008. Member of the Taliban Military Commission as of March 2010. Taliban member responsible for Helmand Province, Afghanistan from 2008. Believed to be in Afghanistan/Pakistan border area. Belongs to Barich tribe. Review pursuant to Security Council resolution 1822 (2008) was concluded on 1 Jun. 2010.

88. TT.N.19.01.

**Name:** 1: NIK MOHAMMAD 2: DOST MOHAMMAD 3: na 4: na

**Title:** Maulavi **Designation:** Deputy Minister of Commerce under the Taliban regime **DOB:** Approximately 1957 **POB:** Zangi Abad village, Panjwai District, Kandahar Province, Afghanistan **Good quality a.k.a.:** Nik Mohammad (previously listed as) **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 31 Jan. 2001 (amended on 3 Sep. 2003, 21 Sep. 2007, 29 Nov. 2011, 13 Aug. 2012) **Other information:** Believed to be in Afghanistan/Pakistan border area. Belongs to Nurzai tribe. Review pursuant to Security Council resolution 1822 (2008) was concluded on 27 Jul. 2010.

89. T.I.N.44.01.  
**Name:** 1: HAMDULLAH 2: NOMANI 3: na 4: na  
**Title:** Maulavi **Designation:** a) Minister of Higher Education under the Taliban regime b) Mayor of Kabul City under the Taliban regime **DOB:** Approximately 1968 **POB:** Sipayaw vil-lage, Andar District, Ghazni Province, Afghanistan **Good qual-ity a.k.a.:** na **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 23 Feb. 2001 (amended on 3 Sep. 2003, 21 Sep. 2007, 3 Oct. 2008, 29 Nov. 2011) **Other information:** Member of the Taliban Supreme Council. Believed to be in Afghanistan/Pakistan border area. Review pursuant to Security Council resolution 1822 (2008) was concluded on 23 Jul. 2010.
90. T.I.N.138.01.  
**Name:** 1: MOHAMMAD 2: ALEEM 3: NOORANI 4: na  
**Title:** Mufti **Designation:** First Secretary, Taliban Consulate General, Karachi, Pakistan **DOB:** Approximately 1963 **POB:** Ghazni Province, Afghanistan **Good quality a.k.a.:** na **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 25 Jan. 2001 (amended on 3 Sep. 2003, 21 Sep. 2007, 29 Nov. 2011) **Other information:** Review pursuant to Security Council resolution 1822 (2008) was concluded on 29 Jul. 2010.
91. T.I.N.154.11.  
**Name:** 1: MALIK 2: NOORZAI 3: na 4: na  
**Title:** Haji **Designation:** na **DOB:** a) 1957 b) 1960 **POB:** Chaman border town, Pakistan **Good quality a.k.a.:** Hajji Malik Noorzai; Hajji Malak Noorzai; Hajji Malek Noorzai **Low quality a.k.a.:** a) Hajji Maluk b) Hajji Aminullah **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** a) Boghra Road, Miralzei Village, Chaman, Baluchistan Province, Pakistan b) Kalay Rangin, Spin Boldak District, Kandahar province, Afghanistan **Listed on:** 4 Oct. 2011 (amended on 29 Nov. 2011, 1 Jun. 2012) **Other information:** Taliban financier. Owns businesses in Japan and frequently travels to Dubai, United Arab Emirates, and Japan. As of 2009, facilitated Taliban activities, including through recruitment and the provision of logistical support. Believed to be in the Afghanistan/Pakistan border area. Belongs to Noorzai tribe. Brother of Faizullah Khan Noorzai (T.I.M.153.11.).

92. TLN.89.01.  
**Name:** 1: NURULLAH 2: NURI 3: na 4: na  
**Title:** Maulavi **Designation:** **a)** Governor of Balkh Province under the Taliban Regime **b)** Head of Northern Zone under the Taliban regime **DOB:** **a)** Approximately 1958 **b)** 1 Jan. 1967 **POB:** Shahjoe District, Zabul Province, Afghanistan **Good quality a.k.a.:** Norullah Noori **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 25 Jan. 2001 (amended on 3 Sep. 2003, 21 Sep. 2007, 29 Nov. 2011) **Other information:** In custody of the United States of America as at 2011. Belongs to Tokhi tribe. Review pursuant to Security Council resolution 1822 (2008) was concluded on 29 Jul. 2010.
93. TLN.97.01.  
**Name:** 1: ABDUL MANAN 2: NYAZI 3: na 4: na  
**Title:** Mullah **Designation:** **a)** Governor of Kabul Province under the Taliban regime **b)** Governor of Balk Province under the Taliban regime **DOB:** Approximately 1968 **POB:** **a)** Pashtoon Zarghoon District, Herat Province, Afghanistan **b)** Sardar village, Kohsan District, Herat Province, Afghanistan **Good quality a.k.a.:** **a)** Abdul Manan Nayazi **b)** Abdul Manan Niazi **Low quality a.k.a.:** **a)** Baryaly **b)** Baryalai **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 25 Jan. 2001 (amended on 3 Sep. 2003, 18 Jul. 2007, 21 Sep. 2007, 12 Apr. 2010, 29 Nov. 2011, 13 Feb. 2012) **Other information:** Taliban member responsible for Herat, Farah and Nimroz provinces as at mid-2009. Member of the Taliban Supreme Council and Quetta Shura. Believed to be in Afghanistan/Pakistan border area. Belongs to Niazi tribe. Involved in transporting suicide bombers to Afghanistan. Review pursuant to Security Council resolution 1822 (2008) was concluded on 23 Jul. 2010.
94. TLO.4.01.  
**Name:** 1: MOHAMMED 2: OMAR 3: na 4: na  
**Title:** Mullah **Designation:** Leader of the Faithful ('Amir ul-Mumineen'), Afghanistan **DOB:** **a)** Approximately 1966 **b)** 1960 **c)** 1953 **POB:** **a)** Naw Deh village, Deh Rawud District, Uruzgan Province, Afghanistan **b)** Noori village, Maiwand District, Kandahar Province, Afghanistan **Good quality a.k.a.:** na **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na

**National identification no.:** na **Address:** na **Listed on:** 31 Jan. 2001 (amended on 3 Sep. 2003, 21 Sep. 2007, 29 Nov. 2011) **Other information:** Left eye missing. Brother-in-law of Ahmad Jan Akhundzada Shukoor Akhundzada (T.I.A.109.01). Believed to be in Afghanistan/Pakistan border area. Belongs to Hotak tribe. Review pursuant to Security Council resolution 1822 (2008) was concluded on 27 Jul. 2010.

95. T.I.O.88.01.

**Name:** 1: ABDUL JABBAR 2: OMARI 3: na 4: na

**Title:** Maulavi **Designation:** Governor of Baghlan Province under the Taliban regime **DOB:** Approximately 1958 **POB:** Zabol Province, Afghanistan **Good quality a.k.a.:** na **Low quality a.k.a.:** a) Mullah Jabbar b) Muawin Jabbar **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 23 Feb. 2001 (amended on 3 Sep. 2003, 21 Sep. 2007, 29 Nov. 2011) **Other information:** Taliban member responsible for Zabol Province, Afghanistan as at 2008. Belongs to Hottak tribe. Review pursuant to Security Council resolution 1822 (2008) was concluded on 1 Jun. 2010.

96. T.I.O.42.01.

**Name:** 1: MOHAMMAD IBRAHIM 2: OMARI 3: na 4: na **Title:** Alhaj **Designation:** Deputy Minister of Frontier Affairs under the Taliban regime **DOB:** Approximately 1958 **POB:** Garda Saray, Waza Zadran District, Paktia Province, Afghanistan **Good quality a.k.a.:** Ibrahim Haqqani **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 23 Feb. 2001 (amended on 3 Sep. 2003, 21 Sep. 2007, 29 Jul. 2011, 29 Nov. 2011) **Other information:** Brother of Jalaluddin Haqqani (T.I.A.40.01) Believed to be in Afghanistan/Pakistan border area. Review pursuant to Security Council resolution 1822 (2008) was concluded on 29 Jul. 2010.

97. T.I.T.58.01.

**Name:** 1: NOORUDDIN 2: TURABI 3: MUHAMMAD 4: QASIM

**Title:** a) Mullah b) Maulavi **Designation:** Minister of Justice under the Taliban regime **DOB:** a) Approximately 1963 b) Approximately 1955 c) 1956 **POB:** a) Spin Boldak District, Kandahar Province, Afghanistan b) Chora District, Uruzgan Province, Afghanistan c) Dehrawood District, Uruzgan Province, Afghanistan **Good quality a.k.a.:** Noor ud Din Turabi **Low qual-**



- ity a.k.a.:** Haji Karim **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 25 Jan. 2001 (amended on 3 Sep. 2003, 21 Sep. 2007, 12 Apr. 2010, 29 Nov. 2011) **Other information:** Deputy to Mullah Mohammed Omar (TI.O.4.01). Review pursuant to Security Council resolution 1822 (2008) was concluded on 21 Jul. 2010.
98. TI.H.27.01.  
**Name:** 1: ABDUL SALAM 2: HANAFI 3: ALI MARDAN 4: QUL  
**Title:** a) Mullah b) Maulavi **Designation:** Deputy Minister of Education under the Taliban regime **DOB:** Approximately 1968 **POB:** a) Darzab District, Faryab Province, Afghanistan b) Qush Tepa District, Jawzjan Province, Afghanistan **Good quality a.k.a.:** a) Abdussalam Hanifi b) Hanafi Saheb **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 23 Feb. 2001 (amended on 3 Sep. 2003, 18 Jul. 2007, 21 Sep. 2007, 27 Sep. 2007, 1 Feb. 2008, 29 Nov. 2011) **Other information:** Taliban member responsible for Jawzjan Province in Northern Afghanistan until 2008. Involved in drug trafficking. Believed to be in Afghanistan/Pakistan border area. Review pursuant to Security Council resolution 1822 (2008) was concluded on 1 Jun. 2010.
- 98a. TI.R.157.12.  
**Name:** 1: FAZL 2: RABI 3: na 4: na  
**Title:** na **Designation:** Senior official in Konar Province during the Taliban regime **DOB:** a) 1972 b) 1975 **POB:** a) Kohe Safi District, Parwan Province, Afghanistan b) Kapisa Province, Afghanistan c) Nangarhar Province, Afghanistan d) Kabul Province, Afghanistan **Good quality a.k.a.:** a) Fazl Rabbi b) Fazal Rabi c) Faisal Rabbi **Low quality a.k.a.:** na **Nationality:** na **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 6 Jan. 2012 **Other information:** Represents and provides financial and logistical support to the Haqqani Network, which is based in Afghanistan/Pakistan border area. Member of the Taliban Financial Council. Has travelled abroad to raise funds on behalf of Sirajuddin Jallaloudine Haqqani (TI.H.144.07.), Jalaluddin Haqqani (TI.H.40.01), the Haqqani network and the Taliban. Believed to be in Afghanistan/Pakistan border area.

99. TI.Q.130.01.  
**Name:** 1: ABDUL GHAFAR 2: QURISHI 3: ABDUL GHANI 4: na  
**Title:** Maulavi **Designation:** Repatriation Attache, Taliban Embassy, Islamabad, Pakistan **DOB:** a) 1970 b) 1967 **POB:** Turshut village, Warduj District, Takhar Province, Afghanistan **Good quality a.k.a.:** Abdul Ghaffar Qureshi **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** Afghan passport number D 000933 issued in Kabul on 13 Sep. 1998 **National identification no.:** Afghan national identification card (tazkira) number 55130 **Address:** Khairkhana Section Number 3, Kabul, Afghanistan **Listed on:** 25 Jan. 2001 (amended on 3 Sep. 2003, 18 Jul. 2007, 21 Sep. 2007, 29 Nov. 2011) **Other information:** Involved in drug trafficking. Belongs to Tajik ethnic group. Review pursuant to Security Council resolution 1822 (2008) was concluded on 29 Jul. 2010.
100. T.I.R.15.01.  
**Name:** 1: YAR MOHAMMAD 2: RAHIMI 3: na 4: na  
**Title:** Mullah **Designation:** Minister of Communication under the Taliban regime **DOB:** Approximately 1953 **POB:** Taluqan village, Panjwai District, Kandahar Province, Afghanistan **Good quality a.k.a.:** na **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 25 Jan. 2001 (amended on 3 Sep. 2003, 21 Sep. 2007, 29 Nov. 2011) **Other information:** Member of Taliban Supreme Council as at 2009. Believed to be in Afghanistan/Pakistan border area. Belongs to Nurzai tribe. Review pursuant to Security Council resolution 1822 (2008) was concluded on 23 Jul. 2010.
101. T.I.R.96.01.  
**Name:** 1: MOHAMMAD HASAN 2: RAHMANI 3: na 4: na  
**Title:** Mullah **Designation:** Governor of Kandahar Province under the Taliban regime **DOB:** Approximately 1963 **POB:** a) Deh Rawud District, Uruzgan Province, Afghanistan b) Chora District, Uruzgan Province, Afghanistan **Good quality a.k.a.:** Gud Mullah Mohammad Hassan **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 23 Feb. 2001 (amended on 3 Sep. 2003, 21 Sep. 2007, 29 Nov. 2011) **Other information:** Has a prosthetic right leg. Member of Taliban Supreme Council and a deputy of Mullah Mohammed Omar (T.I.O.4.01) as of Mar.

2010. Believed to be in Afghanistan/Pakistan border area. Belongs to Achakzai tribe. Review pursuant to Security Council resolution 1822 (2008) was concluded on 23 Jul. 2010.
102. TLR.84.01.  
**Name:** 1: HABIBULLAH 2: RESHAD 3: na 4: na  
**Title:** Mullah **Designation:** Head of Investigation Department, Ministry of Security (Intelligence) under the Taliban regime **DOB:** Between 1968 and 1973 **POB:** Waghaz District, Ghazni Province, Afghanistan **Good quality a.k.a.:** Low quality **a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 23 Feb. 2001 (amended on 3 Sep. 2003, 21 Sep. 2007, 29 Nov. 2011) **Other information:** Deputy Head (Intelligence) of the Quetta Military Council as of 2009. Believed to be in Afghanistan/Pakistan border area. Review pursuant to Security Council resolution 1822 (2008) was concluded on 23 Jul. 2010.
103. TLS.108.01.  
**Name:** 1: ABDULHAI 2: SALEK 3: na 4: na  
**Title:** Maulavi **Designation:** Governor of Uruzgan Province under the Taliban regime **DOB:** Approximately 1965 **POB:** Awlyatak Village, Gardan Masjid Area, Chaki Wardak District, Maidan Wardak Province, Afghanistan **Good quality a.k.a.:** na **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 23 Feb. 2001 (amended on 3 Sep. 2003, 21 Sep. 2007, 24 Mar. 2009, 29 Nov. 2011, 18 May 2012) **Other information:** Reportedly deceased in North Afghanistan in 1999. Belonged to Wardak tribe. Review pursuant to Security Council resolution 1822 (2008) was concluded on 27 Jul. 2010.
104. TLS.111.01.  
**Name:** 1: HAMDULLAH 2: SUNANI 3: na 4: na  
**Title:** Maulavi **Designation:** Head of Dar-ul-Efta (Fatwa Department) of Supreme Court under the Taliban regime **DOB:** Approximately 1923 **POB:** Dai Chopan District, Zabul Province, Afghanistan **Good quality a.k.a.:** Sanani (previously listed as) **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 23 Feb. 2001 (amended on 3 Sep. 2003, 21 Sep. 2007, 29 Nov. 2011) **Other information:** Reportedly deceased in 2001. Belonged to Kakar tribe. Review pursuant to Security Council resolution

- 1822 (2008) was concluded on 27 Jul. 2010.
105. T.I.S.110.01.  
**Name:** 1: NOOR MOHAMMAD 2: SAQIB 3: na 4: na  
**Title:** na **Designation:** Chief Justice of Supreme Court under the Taliban regime **DOB:** Approximately 1958 **POB:** a) Bagrami District, Kabul Province, Afghanistan b) Tarakhel area, Deh Sabz District, Kabul Province, Afghanistan **Good quality a.k.a.:** na **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 25 Jan. 2001 (amended on 3 Sep. 2003, 21 Sep. 2007, 29 Nov. 2011) **Other information:** Member of Taliban Supreme Council and Head of Taliban Religious Committee. Belongs to Ahmadzai tribe. Review pursuant to Security Council resolution 1822 (2008) was concluded on 23 Jul. 2010.
106. T.I.S.83.01.  
**Name:** 1: EHSANULLAH 2: SARFIDA 3: HESAMUDDIN 4: AKHUNDZADA  
**Title:** Maulavi **Designation:** Deputy Minister of Security (Intelligence) under the Taliban regime **DOB:** Approximately 1962-1963 **POB:** Gelan District, Ghazni Province, Afghanistan **Good quality a.k.a.:** a) Ehsanullah Sarfadi b) Ehsanullah Sarfida (previously listed as) **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 23 Feb. 2001 (amended on 3 Sep. 2003, 21 Sep. 2007, 13 Feb. 2012) **Other information:** As of mid-2007, he provided support to the Taliban in the form of weapons and money. Belongs to Taraki tribe. Review pursuant to Security Council resolution 1822 (2008) was concluded on 23 Jul. 2010.
107. T.I.S.87.01.  
**Name:** 1: SADUDDIN 2: SAYYED 3: na 4: na  
**Title:** a) Maulavi b) Alhaj c) Mullah **Designation:** a) Vice-Minister of Work and Social Affairs under the Taliban regime b) Mayor of Kabul City under the Taliban regime **DOB:** Approximately 1968 **POB:** a) Chaman District, Pakistan b) Spin Boldak District, Kandahar Province, Afghanistan **Good quality a.k.a.:** a) Sadudin Sayed b) Sadrudin **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 25 Jan. 2001 (amended on 3 Sep. 2003, 21 Sep. 2007, 3 Oct. 2008, 29 Nov. 2011) **Other information:** Believed to be in Afghanistan/Pakistan border area. Be-

- longs to Barakzai tribe. Review pursuant to Security Council resolution 1822 (2008) was concluded on 21 Jul. 2010.
108. T.I.S.133.01.  
**Name:** 1: ABDUL WALI 2: SEDDIQI 3: na 4: na  
**Title:** na Qari **Designation:** Third Secretary, Taliban Consulate General, Peshawar, Pakistan **DOB:** 1974 **POB:** Zilzilay village, Andar District, Ghazni Province, Afghanistan **Good quality a.k.a.:** na **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** Afghan passport number D 000769 issued on 2 Feb. 1997 **National identification no.:** na **Address:** na **Listed on:** 25 Jan. 2001 (amended on 3 Sep. 2003, 25 Jul. 2006, 21 Sep. 2007, 29 Nov. 2011) **Other information:** Believed to be in Afghanistan/Pakistan border area. Review pursuant to Security Council resolution 1822 (2008) was concluded on 29 Jul. 2010.
109. T.I.S.98.01.  
**Name:** 1: ABDUL WAHED 2: SHAFIQ 3: na 4: na  
**Title:** Maulavi **Designation:** Deputy Governor of Kabul Province under the Taliban regime **DOB:** Approximately 1968 **POB:** Nangarhar Province, Afghanistan **Good quality a.k.a.:** na **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 23 Feb. 2001 (amended on 3 Sep. 2003, 21 Sep. 2007, 3 Oct. 2008, 29 Nov. 2011) **Other information:** Review pursuant to Security Council resolution 1822 (2008) was concluded on 27 Jul. 20
110. T.I.S.28.01.  
**Name:** 1: SAID AHMED 2: SHAHIDKHEL 3: na 4: na  
**Title:** Maulavi **Designation:** Deputy Minister of Education under the Taliban regime **DOB:** Approximately 1975 **POB:** Andar District, Ghazni Province, Afghanistan **Good quality a.k.a.:** na **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 23 Feb. 2001 (amended on 3 Sep. 2003, 20 Dec. 2005, 21 Sep. 2007, 29 Nov. 2011) **Other information:** In July 2003 he was in custody in Kabul, Afghanistan. Released from custody in 2007. Believed to be in Afghanistan/Pakistan border area. Belongs to Andar tribe. Review pursuant to Security Council resolution 1822 (2008) was concluded on 23 Jul. 2010.
111. T.I.M.11.01.  
**Name:** 1: AKHTAR 2: MOHAMMAD 3: MANSOUR 4: SHAH MOHAMMED

**Title:** a) Maulavi b) Mullah **Designation:** Minister of Civil Aviation and Transportation under the Taliban regime **DOB:** a) Approximately 1960 b) 1966 **POB:** Band-e-Timur village, Maiwand District, Kandahar Province, Afghanistan **Good quality a.k.a.:** a) Akhtar Mohammad Mansour Khan Muhammad b) Akhtar Muhammad Mansoor c) Akhtar Mohammad Mansoor **Low quality a.k.a.:** Naib Imam **Nationality:** Afghan **Passport no.:** Afghan passport number SE-011697 issued on 25 Jan. 1988 in Kabul, expired on 23 Feb. 2000 **National identification no.:** na **Address:** na **Listed on:** 25 Jan. 2001 (amended on 3 Sep. 2003, 18 Jul. 2007, 21 Sep. 2007, 1 Feb. 2008, 29 Nov. 2011) **Other information:** Involved in drug trafficking as of 2011, primarily through Gerd-e- Jangal, Afghanistan. Active in the provinces of Khost, Paktia and Paktika, Afghanistan as of May 2007. Taliban "Governor" of Kandahar as of May 2007. Deputy to Mullah Abdul Ghani Baradar (II.B.24.01) in the Taliban Supreme Council as of 2009. Taliban official responsible for four southern provinces of Afghanistan. Following the arrest of Mullah Baradar in February 2010 he was temporarily-in-charge of the Taliban Supreme Council. Believed to be in Afghanistan/Pakistan border area. Belongs to Ishaqzay tribe. Review pursuant to Security Council resolution 1822 (2008) was concluded on 21 Jul. 2010.

112. TIS.103.01.

**Name:** 1: SHAMSUDDIN 2: na 3: na 4: na

**Title:** a) Maulavi b) Qari **Designation:** Governor of Wardak (Maidan) Province under the Taliban regime **DOB:** Approximately 1968 **POB:** Keshim District, Badakhshan Province, Afghanistan **Good quality a.k.a.:** Pahlawan Shamsuddin **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 23 Feb. 2001 (amended on 3 Sep. 2003, 21 Sep. 2007, 29 Nov. 2011) **Other information:** Believed to be in Afghanistan/Pakistan border area. Review pursuant to Security Council resolution 1822 (2008) was concluded on 23 Jul. 2010.

113. Deleted

114. TI.U.8.01.

**Name:** 1: SHAMS 2: UR-RAHMAN 3: ABDUL ZAHIR 4: na **Title:** a) Mullah b) Maulavi **Designation:** Deputy Minister of Agriculture under the Taliban regime **DOB:** 1969 **POB:** Waka

Uzbin village, Sarobi District, Kabul Province, Afghanistan **Good quality a.k.a.:** a) Shamsurrahman b) Shams-u-Rahman c) Shamsurrahman Abdurahman **Low quality a.k.a.:** Shams ur-Rahman Sher Alam **Nationality:** Afghan **Passport no.:** na **National identification no.:** a) Afghan national identification card (tazkira) number 2132370 b) Afghan national identification card (tazkira) number 812673 **Address:** na **Listed on:** 23 Feb. 2001 (amended on 3 Sep. 2003, 21 Sep. 2007, 12 Apr. 2010, 29 Nov. 2011, 18 May 2012) **Other information:** Believed to be in Afghanistan/Pakistan border area. Involved in drug trafficking. Belongs to Ghilzai tribe. Review pursuant to Security Council resolution 1822 (2008) was concluded on 27 Jul. 2010.

114a. T1.A.160.12.

**Name:** 1: ABDUL SAMAD 2: ACHEKZAI 3: na 4: na  
**Title:** na **Designation:** na **DOB:** 1970 **POB:** Afghanistan **Good quality a.k.a.:** Abdul Samad **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 2 Mar. 2012 **Other information:** Senior Taliban member responsible for the manufacturing of improvised explosive devices (IED). Involved in recruiting and deploying suicide bombers to conduct attacks in Afghanistan.

115. T1.S.139.01.

**Name:** 1: ABDUL GHAFAR 2: SHINWARI 3: na 4: na  
**Title:** Haji **Designation:** Third Secretary, Taliban Consulate General, Karachi, Pakistan **DOB:** 29 Mar. 1965 **POB:** Nangarhar Province, Afghanistan **Good quality a.k.a.:** na **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** Afghan passport number D 000763, issued on 9 Jan. 1997 **National identification no.:** na **Address:** na **Listed on:** 25 Jan. 2001 (amended on 3 Sep. 2003, 25 Jul. 2006, 21 Sep. 2007, 29 Nov. 2011) **Other information:** Believed to be in Afghanistan/Pakistan border area. Belongs to Safi tribe. Review pursuant to Security Council resolution 1822 (2008) was concluded on 29 Jul. 2010.

116. T1.S.126.01.

**Name:** 1: MOHAMMAD 2: SARWAR 3: SIDDIQMAL 4: MOHAMMAD MASOOD  
**Title:** na **Designation:** Third Secretary, Taliban Embassy, Islamabad, Pakistan **DOB:** 1963 **POB:** Jani Khel District, Paktia Province, Afghanistan **Good quality a.k.a.:** Mohammad Sarwar Siddiqmal (previously listed as) **Low quality a.k.a.:** na **Nation-**

- ality:** Afghan **Passport no.:** na **National identification no.:** Afghan identification card (tazkira) number 19657 **Address:** na **Listed on:** 25 Jan. 2001 (amended on 3 Sep. 2003, 21 Sep. 2007, 29 Nov. 2011) **Other information:** Belongs to Mangal tribe. Review pursuant to Security Council resolution 1822 (2008) was concluded on 29 Jul. 2010.
117. T.I.S.67.01.  
**Name:** 1: SHER MOHAMMAD ABBAS 2: STANEKZAI 3: PADSHAH KHAN 4: na  
**Title:** Maulavi **Designation:** a) Deputy Minister of Public Health under the Taliban regime b) Deputy Minister of Foreign Affairs under the Taliban regime **DOB:** Approximately 1963 **POB:** Qala-e-Abbas, Shah Mazar area, Baraki Barak District, Logar Province, Afghanistan **Good quality a.k.a.:** na **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 25 Jan. 2001 (amended on 3 Sep. 2003, 21 Sep. 2007, 29 Nov. 2011) **Other information:** Believed to be in Afghanistan/Pakistan border area. Review pursuant to Security Council resolution 1822 (2008) was concluded on 29 Jul. 2010.
118. T.I.T.105.01.  
**Name:** 1: AHMAD TAHA 2: KHALID 3: ABDUL QADIR 4: na  
**Title:** Maulavi **Designation:** Governor of Paktia Province under the Taliban regime **DOB:** Approximately 1963 **POB:** a) Nangarhar Province, Afghanistan b) Khost Province, Afghanistan c) Siddiq Khel village, Naka District, Paktia Province, Afghanistan **Good quality a.k.a.:** na **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 23 Feb. 2001 (amended on 3 Sep. 2003, 21 Sep. 2007, 3 Oct. 2008, 29 Nov. 2011, 13 Aug. 2012) **Other information:** Taliban member responsible for Nangarhar Province as at 2011. Believed to be in Afghanistan/Pakistan border area. Belongs to Zadran tribe. Close associate of Sirajuddin Jallaloudine Haggani (T.I.H.144.07). Review pursuant to Security Council resolution 1822 (2008) was concluded on 1 Jun. 2010.
119. Deleted
120. T.I.T.75.01.  
**Name:** 1: ABDUL RAQIB 2: TAKHARI 3: na 4: na  
**Title:** Maulavi **Designation:** Minister of Repatriation under the



121. Taliban regime **DOB:** Between 1968 and 1973 **POB:** Takhar Province, Afghanistan **Good quality a.k.a.:** na **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 25 Jan. 2001 (amended on 3 Sep. 2003, 21 Sep. 2007, 29 Nov. 2011) **Other information:** Member of Taliban Supreme Council responsible for Takhar and Badakhshan provinces as at Dec. 2009. Believed to be in Afghanistan/Pakistan border area. Belongs to Tajik ethnic group. Review pursuant to Security Council resolution 1822 (2008) was concluded on 21 Jul. 2010. TI.W.95.01.
- Name:** 1: WALIJAN 2: na 3: na 4: na  
**Title:** Maulavi **Designation:** Governor of Jawzjan Province under the Taliban regime **DOB:** Approximately 1968 **POB:** a) Quetta, Pakistan b) Nimroz Province, Afghanistan **Good quality a.k.a.:** na **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 23 Feb. 2001 (amended on 3 Sep. 2003, 21 Sep. 2007, 29 Nov. 2011) **Other information:** Member of the Taliban Gerd-e-Jangal Shura and Head of the Taliban Prisoners and Refugees Committee. Belongs to Ishaqzai tribe. Review pursuant to Security Council resolution 1822 (2008) was concluded on 23 Jul. 2010.
122. TLA.129.01.
- Name:** 1: NAZIRULLAH 2: HANAFI 3: WALIULLAH 4: na  
**Title:** a) Maulavi b) Haji **Designation:** Commercial Attache, Taliban Embassy, Islamabad, Pakistan **DOB:** 1962 **POB:** Spin Boldak District, Kandahar Province, Afghanistan **Good quality a.k.a.:** Nazirullah Aanafi Waliullah **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** Afghan passport number D 000912, issued on 30 Jun. 1998 **National identification no.:** na **Address:** na **Listed on:** 25 Jan. 2001 (amended on 3 Sep. 2003, 25 Jul. 2006, 18 Jul. 2007, 21 Sep. 2007, 3 Oct. 2008, 29 Nov. 2011) **Other information:** Believed to be in Afghanistan/Pakistan border area. Review pursuant to Security Council resolution 1822 (2008) was concluded on 21 Jul. 2010.

123. TI.W.82.01.  
**Name:** 1: ABDUL-HAQ 2: WASSIQ 3: na 4: na  
**Title:** Maulavi **Designation:** Deputy Minister of Security (Intelligence) under the Taliban regime **DOB:** a) Approximately 1975 b) 1971 **POB:** Ghazni Province, Afghanistan **Good quality a.k.a.:** Abdul-Haq Wasseq **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Ad-dress:** na **Listed on:** 31 Jan. 2001 (amended on 3 Sep. 2003, 21 Sep. 2007, 3 Oct. 2008, 29 Nov. 2011) **Other information:** In custody of the United States of America as at 2011. Review pursuant to Security Council resolution 1822 (2008) was concluded on 27 Jul. 2010.
- 123a. TI.W.159.12.  
**Name:** 1: AHMED JAN 2: WAZIR 3: na 4: na  
**Title:** na **Designation:** Official of the Ministry of Finance during the Taliban regime **DOB:** 1963 **POB:** Barlach Village, Qareh Bagh District, Ghazni Province, Afghanistan **Good quality a.k.a.:** a) Ahmed Jan Kuchi b) Ahmed Jan Zadran **Low quality a.k.a.:** na **Nationality:** na **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 6 Jan. 2012 **Other information:** Key commander of the Haqqani Network, which is based in Afghanistan/Pakistan border area. Acts as deputy, spokesperson and advisor for Haqqani Network senior leader Sirajuddin Jallaloudine Haqqani (TI.H.144.07). Liaises with the Taliban Supreme Council. Has travelled abroad. Liaises with and provides Taliban commanders in Ghazni Province, Afghanistan, with money, weapons, communications equipment and supplies.
124. TI.W.39.01.  
**Name:** 1: MOHAMMAD JAWAD 2: WAZIRI 3: na 4: na  
**Title:** na **Designation:** UN Department, Ministry of Foreign Affairs under the Taliban regime **DOB:** Approximately 1960 **POB:** a) Jaghatu District, Maidan Wardak Province, Afghanistan b) Sharana District, Paktia Province, Afghanistan **Good quality a.k.a.:** na **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 23 Feb. 2001 (amended on 3 Sep. 2003, 21 Sep. 2007, 29 Nov. 2011, 18 May 2012) **Other information:** Believed to be in Afghanistan/Pakistan border area. Belongs to Wazir tribe. Review pursuant to Security Council resolution 1822 (2008)

- was concluded on 23 Jul. 2010.
125. TI.Z.152.11.  
**Name:** 1: SANGEEN 2: ZADRAN 3: SHER MOHAMMAD 4: na  
**Title:** a) Maulavi b) Mullah **Designation:** na **DOB:** a) Approximately 1976 b) Approximately 1979 **POB:** Tang Stor Khel, Ziruk District, Paktika Province, Afghanistan **Good quality a.k.a.:** na **Low quality a.k.a.:** a) Sangin b) Sangin Zadran c) Sangeen Khan Zadran d) Sangeen e) Fateh f) Noori **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 16 Aug. 2011 (amended on 13 Aug. 2012) **Other information:** Shadow Governor for Paktika Province, Afghanistan, and commander of the Haqqani Network, a Taliban-affiliated group of militants that operates in the Afghanistan/Pakistan border area. Senior lieutenant to Sirajuddin Jallaloudine Haqqani (TI.H.144.07.). Alternative spelling of title (a): Maulvi. Belongs to Kharoti tribe.
126. TI.Z.33.01.  
**Name:** 1: ABDUL RAHMAN 2: ZAHED 3: na 4: na  
**Title:** Mullah **Designation:** Deputy Minister of Foreign Affairs under the Taliban regime **DOB:** Approximately 1963 **POB:** Kharwar District, Logar Province, Afghanistan **Good quality a.k.a.:** Abdul Rehman Zahid **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 25 Jan. 2001 (amended on 3 Sep. 2003, 18 Jul. 2007, 21 Sep. 2007, 29 Nov. 2011) **Other information:** Believed to be in Afghanistan/Pakistan border area. Review pursuant to Security Council resolution 1822 (2008) was concluded on 21 Jul. 2010.
127. TI.Z.127.01.  
**Name:** 1: MOHAMMAD 2: ZAHID 3: na 4: na  
**Title:** Mullah **Designation:** Third Secretary, Taliban Embassy, Islamabad, Pakistan **DOB:** 1971 **POB:** Logar Province, Afghanistan **Good quality a.k.a.:** na **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** Afghan passport number D 001206, issued on 17 Jul. 2000 **National identification no.:** na **Address:** na **Listed on:** 25 Jan. 2001 (amended on 3 Sep. 2003, 25 Jul. 2006, 21 Sep. 2007, 29 Nov. 2011) **Other information:** Believed to be in Afghanistan/Pakistan border area. Review pursuant to Security Council resolution 1822 (2008) was concluded on 29 Jul. 2010.

128. TI.Z.164.12

**Name:** 1: ABDUL RAUF 2: ZAKIR 3: na 4: na

**Title:** Qari **Designation:** na **DOB:** Between 1969 and 1971  
**POB:** Kabul Province, Afghanistan **Good quality a.k.a.:** Qari Zakir **Low quality a.k.a.:** na **Nationality:** Afghan **Passport no.:** na **National identification no.:** na **Address:** na **Listed on:** 5 Nov. 2012 **Other information:** Chief of suicide operations for the Haqqani Network (TE.H.12.12.) under Sirajuddin Jallaloudine Haqqani (TI.H.144.07.) and in charge of all operations in Kabul, Takhar, Kunduz and Baghlan provinces. Oversees training of suicide attackers and provides instructions on how to construct improvised explosives devices (IEDs).

## B. List of entities associated with the Taliban

1. TE.H.10.12.

**Name:** HAJI KHAIRULLAH HAJI SATTAR MONEY EXCHANGE

**A.k.a.:** a) Haji Khairullah Money Exchange b) Haji Khair Ullah Money Service c) Haji Salam Hawala d) Haji Hakim Hawala e) Haji Alim Hawala f) Sarafi-yi Haji Khairullah Haji Satar Haji Esmatullah g) Haji Khairullah-Haji Sattar Sarafi h) Haji Khairullah and Abdul Sattar and Company **F.k.a.:** na **Address:**

a) Branch Office 1: i) Chohar Mir Road, Kandahari Bazaar, Quetta City, Baluchistan Province, Pakistan; ii) Room number 1, Abdul Sattar Plaza, Hafiz Saleem Street, Munsafi Road, Quetta, Baluchistan Province, Pakistan iii) Shop number 3, Dr. Bano Road, Quetta, Baluchistan Province, Pakistan iv) Office number 3, Near Fatima Jinnah Road, Dr. Bano Road, Quetta, Baluchistan Province, Pakistan v) Kachara Road, Nasrullah Khan Chowk, Quetta, Baluchistan Province, Pakistan vi) Wazir Mohammad Road, Quetta, Baluchistan Province, Pakistan;

b) Branch Office 2: Peshawar, Khyber Paktunkhwa Province, Pakistan; c) Branch Office 3: Moishah Chowk Road, Lahore, Punjab Province, Pakistan; d) Branch Office 4: Karachi, Sindh Province, Pakistan; e) Branch Office 5: i) Larran Road number 2, Chaman, Baluchistan Province, Pakistan ii) Chaman Central Bazaar, Chaman, Baluchistan Province, Pakistan f) Branch Office 6: Shop number 237, Shah Zada Market (also known as

Sarai Shahzada), Puli Khishti area, Police District 1, Kabul, Afghanistan, Telephone: +93-202-103386, +93-202-101714, 0202-104748, Mobile: +93-797-059059, +93-702-222222, [e-mail: helmand\\_exchange\\_msp@yahoo.com](mailto:helmand_exchange_msp@yahoo.com) **g**) Branch Office 7: i) Shops number 21 and 22, 2nd Floor, Kandahar City Sarafi Market, Kandahar City, Kandahar Province, Afghanistan ii) New Sarafi Market, 2nd Floor, Kandahar City, Kandahar Province, Afghanistan iii) Safi Market, Kandahar City, Kandahar Province, Afghanistan **h**) Branch Office 8: Gereshk City, Nahr-e Saraj District, Helmand Province, Afghanistan **i**) Branch Office 9: i) Lashkar Gah Bazaar, Lashkar Gah, Lashkar Gah District, Helmand Province, Afghanistan ii) Haji Ghulam Nabi Market, 2nd Floor, Lashkar Gah District, Helmand Province, Afghanistan **j**) Branch Office 10: i) Suite numbers 196-197, 3rd Floor, Khorasan Market, Herat City, Herat Province, Afghanistan ii) Khorasan Market, Shahre Naw, District 5, Herat City, Herat Province, Afghanistan **k**) Branch Office 11: i) Sarafi Market, Zaranj District, Nimroz Province, Afghanistan ii) Ansari Market, 2nd Floor, Nimroz Province, Afghanistan **l**) Branch Office 12: Sarafi Market, Wesh, Spin Boldak District, Afghanistan m) Branch Office 13: Sarafi Market, Farah, Afghanistan n) Branch Office 14: Dubai, United Arab Emirates **o**) Branch Office 15: Zahedan, Iran **p**) Branch Office 16: Zabul, Iran **Listed on:** 29 Jun. 2012 (amended on 13 Aug. 2012) **Other information:** Pakistan National Tax Number: 1774308; Pakistan National Tax Number: 0980338; Pakistan National Tax Number: 3187777; Afghan Money Service Provider License Number: 044. Haji Khairullah Haji Sattar Money Exchange was used by Taliban leadership to transfer money to Taliban commanders to fund fighters and operations in Afghanistan as of 2011. Associated with Abdul Sattar Abdul Manan (T.I.A.162.12.) and Khairullah Barakzai Khudai Nazar (T.I.K.163.12.).

1a.

**Name:** HAQQANI NETWORK (HQN)**A.k.a.:** na **F.k.a.:** na **Address:** na **Listed on:** 5 Nov. 2012**Other information:** Network of Taliban fighters centred around the border between Khost Province, Afghanistan and North Waziristan, Pakistan. Founded by Jalaluddin Haqqani (T.I.H.40.01.) and currently headed by his son Sirajuddin Jallaloudine Haqqani (T.I.H.144.07.). Other listed members 59 include Nasiruddin

H

aqqani (II.H.146.10.), Sangeen Zadrán Sher Mohammad (II.Z.152.11.), Abdul Aziz Abbasin (II.A.155.11.), Fazl Rabi (II.R.157.12.), Ahmed Jan Wazir (II.W.159.12.), Bakht Gul (II.G.161.12.), Abdul Rauf Zakir (II.Z.164.12.). Responsible for suicide attacks and targeted assassination as well as kidnappings in Kabul and other provinces of Afghanistan. Linked to Al-Qaida (QE.A.4.01.), Islamic Movement of Uzbekistan (QE.I.10.01.), Tehrik-e Taliban Pakistan (QE.T.132.11.), Lashkar I Jhangvi (QE.L.96.03.), and Jaish-IMohammed (QEj.19.01.).

1b.

TE.R.13.12.

**Name:** RAHAT LTD.

**A.k.a.:** **a)** Rahat Trading Company **b)** Haji Muhammad Qasim Sarafi **c)** New Chagai Trading **F.k.a.:** na **Address:** **a)** Branch Office 1: Room number 33, 5th Floor, Sarafi Market, Kandahar city, Kandahar Province, Afghanistan **b)** Branch Office 2: Shop number 4, Azizi Bank, Haji Muhammad Isa Market, Wesh, Spin Boldak, Kandahar Province, Afghanistan **c)** Branch Office 3: Safaar Bazaar, Garmser District, Helmand Province, Afghanistan **d)** Branch Office 4: Lashkar Gah, Helmand Province, Afghanistan **e)** Branch Office 5: Gereshk District, Helmand Province, Afghanistan **f)** Branch Office 6: Zaranj District, Nimroz Province, Afghanistan **g)** Branch Office 7: i) Dr Barno Road, Quetta, Pakistan ii) Haji Mohammed Plaza, Tol Aram Road, near Jamaluddin Afghani Road, Quetta, Pakistan iii) Kandahari Bazaar, Quetta, Pakistan **h)** Branch Office 8: Chaman, Baluchistan Province, Pakistan **i)** Branch Office 9: Chaghi Bazaar, Chaghi, Baluchistan Province, Pakistan **j)** Branch Office 10: Zahedan, Zabol Province, Iran **Listed on:** 21 Nov. 2012 **Other information:** Rahat Ltd. was used by Taliban leadership to transfer funds originating from external donors and narcotics trafficking to finance Taliban activity as of 2011 and 2012. Owned by Mohammed Qasim Sadozai Khudai Rahim (II.Q.165.12.). Also associated Mohammad Naim Barich Khudaidad (II.N.13.01.).

2.

TE.R.11.12.

**Name:** ROSHAN MONEY EXCHANGE

**A.k.a.:** **a)** Roshan Sarafi **b)** Roshan Trading Company **c)** Rushaan Trading Company **d)** Roshan Shirkat **e)** Maulawi Ahmed Shah Hawala **f)** Mullah Ahmed Shah Hawala **g)** Haji Ahmad Shah Hawala **h)** Ahmad Shah Hawala **F.k.a.:** na **Address:** **a)** Branch Office 1: i) Shop number 1584, Furqan (variant Fahr Khan) Center, Chalhór Mal Road, Quetta, Baluchistan Province, Pakistan ii) Flat number 4, Furqan Center,

Jamaluddin Afghani Road, Quetta, Baluchistan Province, Pakistan iii) Office number 4, 2nd Floor , Muslim Plaza Building, Doctor Banu Road, Quetta, Baluchistan Province, Pakistan iv) Cholmon Road, Quetta, Baluchistan Province, Pakistan v) Munsafi Road, Quetta, Baluchistan Province, Pakistan vi) Shop number 1, 1st Floor, Kadari Place, Abdul Samad Khan Street (next to Fatima Jena Road), Quetta, Baluchistan Province, Pakistan **b)** Branch Office 2: i) Safar Bazaar, Garmser District, Helmand Province, Afghanistan ii) Main Bazaar, Safar, Helmand Province, Afghanistan **c)** Branch Office 3: i) Haji Ghulam Nabi Market, Lashkar Gah, Helmand Province, Afghanistan ii) Money Exchange Market, Lashkar Gah, Helmand Province, Afghanistan iii) Lashkar Gah Bazaar, Helmand Province, Afghanistan **d)** Branch Office 4: Hazar Joft, Garmser District, Helmand Province, Afghanistan **e)** Branch Office 5: Ismat Bazaar, Marjah District, Helmand Province, Afghanistan **e)** Branch Office 6: Zaranj, Nimruz Province, Afghanistan **f)** Branch Office 7: i) Suite number 8, 4th Floor, Sarafi Market, District number 1, Kandahar City, Kandahar Province, Afghanistan ii) Shop number 25, 5th Floor, Sarafi Market, Kandahar City, Kandahar District, Kandahar Province, Afghanistan **g)** Branch Office 8: Lakri City, Helmand Province, Afghanistan **h)** Branch Office 9: Gerd-e-Jangal, Chaghi District, Baluchistan Province, Pakistan **i)** Branch Office 10: Chaghi, Chaghi District, Baluchistan Province, Pakistan **j)** Branch Office 11: Aziz Market, in front of Azizi Bank, Waish Border, Spin Boldak District, Kandahar Province, Afghanistan **Listed on:** 29 Jun. 2012 **Other information:** Roshan Money Exchange stores and transfers funds to support Taliban military operations and narcotics trade in Afghanistan.

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# Liechtenstein Law Gazette

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Year 2010

No. 340

published on 18 November 2010

## Law of 23 September 2010 on National and Municipal Taxes (Tax Act)

### II. National taxes

#### A. General provisions

##### Article 4

##### *Exemptions from tax liability*

- 1) The following shall be exempt from tax liability:
  - a) the Reigning Prince, the Hereditary Prince, the Princely Domain and the foundations which, according to the purpose set out in their articles, serve the Reigning Prince in fulfilling his obligations;
  - b) the State, the municipalities, the funds of the State and the municipalities, the joint bodies of the municipalities, the citizen cooperatives, and the public enterprises not engaged in economic activities in accordance with the Law on the Management of Public Enterprises;
  - c) persons who, pursuant to international law, enjoy exemption from taxation;
  - d) institutions for occupational retirement provision.

2) Upon application, the Fiscal Authority shall exempt legal persons and special asset dedications without legal personality from tax liability, if such entities exclusively and irrevocably pursue common-benefit purposes as defined in article 107, paragraph 4a of the Law on Persons and Companies (PGR) without the intention of making a profit. The Fiscal Authority shall decide on the application. The tax exemption shall not apply to net corporate income generated by economic business operations maintained by such entities, provided that these operations generate income in the total amount of more than 300,000 francs. Tax exemption shall not already be excluded by the fact that:

- a) the person in part allocates its resources, labour, or assets for the use of another, likewise tax-exempt person for tax-privileged purposes as referred to in sentence 1;
- b) the person assigns resources in whole or in part to a provision, to the extent necessary to fulfil the tax-privileged purposes set out in its articles on a sustained basis.

3) By ordinance, the Government shall govern the exchange of data and records between the Foundation Supervisory Authority and the Fiscal Authority as well as the review of compliance with the preconditions for tax exemption by the Fiscal Authority and the audit offices.

# Liechtenstein Law Gazette

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Year  
2010

No. 437

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## Ordinance of 21 December 2010 on National and Municipal Taxes (Tax Ordinance)

### II. National taxes

#### A. General provisions

##### Article 2<sup>1</sup>

*Submission of application for tax exemption  
(Article 4, paragraphs 2 and 3 Tax Act)*

1) The application for tax exemption on grounds of common-benefit purposes as referred to in article 4, paragraph 2 of the Tax Act shall be submitted to the Fiscal Authority. Common-benefit foundations and establishments may submit the application for tax exemption to the Office of Justice serving as the Foundation Supervisory Authority; the Office of Justice shall forward the application to the Fiscal Authority.

2) In the case of common-benefit foundations and establishments submitting an application for tax exemption, the Office of Justice shall transmit to the Fiscal Authority a confirmation that the foundation or establishment in question is subject to its supervision pursuant to article 552 § 29 of the Law on Persons and Companies (PGR).

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<sup>1</sup> Article 2 amended by LGBl. 2013 No. 12.

## Article 3

### *Review of tax exemption (Article 4, paragraphs 2 and 3 Tax Act)*

- 1) The Fiscal Authority shall review each year whether the preconditions for tax exemption continue to be met.
- 2) The following shall be submitted to the Fiscal Authority each year:
  - a) in the case of common-benefit foundations and establishments with an audit office pursuant to article 552 § 27 PGR:
    1. the report or confirmation by the audit office pursuant to article 552 § 27 paragraph 4 PGR; and
    2. a confirmation by the audit office concerning compliance with the preconditions for tax exemption;
  - b) in the case of other legal persons and special asset dedications without legal personality:
    1. the annual accounts or the itemization referred to in article 21, paragraph 2; and
    2. a compilation regarding the use of resources.
- 3) Common-benefit foundations and establishments may also submit the documents referred to in paragraph 2(a) to the Office of Justice; that Office shall forward the documents to the Fiscal Authority.<sup>1</sup>
- 4) If the documents referred to in paragraph 2 are not submitted, or if a review shows that the legal person or the special asset dedication no longer meets the preconditions for tax exemption, then the legal person or special asset dedication shall be excluded from tax exemption.

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<sup>1</sup> Article 3, paragraph 3 amended by LGBl. 2013 No. 12.

## **Trademark Act (Markenschutzgesetz, MSchG)**

### Article 60

#### *Fraudulent use of trademarks*

1) At the request of the aggrieved party the Court of Justice shall, on account of commission of an offence, punish with a term of imprisonment of up to three years any person who:

- a) for the purpose of deception unlawfully designates goods or services with the trademark of another party and in this manner gives the impression that these are original goods or original services;
- b) unlawfully offers for sale as original goods, goods or services designated with the trademark of another party or puts them into circulation or offers them for sale or produces them as original services.

2) Any person who on a commercial basis commits an infringement pursuant to para. 1, shall be punished with a term of imprisonment of up to five years. Prosecution shall take place through the public prosecutor.

3) Any person who imports, exports or stores goods which he knows are intended to be used to deceive in commercial circulation shall, at the request of the aggrieved party, be punished by the Court of Justice, on account of an infringement, with a penalty of up to 20,000 francs or, if this cannot be collected, with a term of imprisonment of up to three months.

**Liechtenstein Law Gazette**

Year 2011

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**Law**

of 28 June 2011

**on Certain Undertakings for Collective Investment in Transferable Securities (UCITSA)**

## Article 15

*Prerequisites for authorization*

- 1) The FMA shall issue an authorization to a management company if:
- a) capital in terms of article 17 is sufficient;
  - b) the management company's managers are of sufficiently good repute and are sufficiently experienced also in relation to the type of UCITS to be managed by the management company; the business policy of the management company must be decided by at least two persons meeting such conditions;
  - c) there is a business plan setting out, at least, the organizational structure of the management company;
  - d) the holders of qualifying holdings meet the requirements for the sound and prudent management of the management company;
  - e) the central administration and registered office of the management company are located in Liechtenstein.
- 2) The FMA shall refuse authorization if:
- a) it is prevented from supervision by close links between the management company and other persons;
  - b) it is prevented from supervision by the laws or administrative provisions of a third State governing persons with which the management company has close links, or by difficulties involved in the application of such laws or administrative provisions.
- 3) In the case of authorization for services in terms of article 14 (2)(a) and (b), the provisions of the Asset Management Act (AMA; LR 950.4) and in the case of safekeeping and technical administration with regard to units of collective investment undertakings the provisions of the Banking Act (BA; LR 952.0) on the performance of services as a counterparty, capital, organizational requirements and rules of conduct in the performance of services for customers shall apply.
- 4) Asset management companies whose scope of business in terms of article 3 AMA only comprises the management of portfolios and investment consulting may be authorized as management companies if they renounce their license in writing pursuant to article 30 (1)(c) AMA.
- 5) The Government shall regulate further details by ordinance.

## Article 25

*Protection of secrecy*

- 1) The members of governing bodies of management companies, their employees as well as any other person acting on behalf of such management companies, shall be obliged to maintain the secrecy of facts that have been entrusted or made available to them as a result of their business relationship with clients. The obligation of secrecy shall apply without limitation of time.
- 2) The legal provisions on the obligation to testify or provide information to the criminal courts and to the supervisory authorities and bodies as well as the

provisions on cooperation with the competent authorities and bodies of supervision shall apply notwithstanding.

## **XV. Penal provisions**

### Article 143

#### *Misdemeanors and infractions*

1) The Court of Justice shall punish with imprisonment of up to one year or with a fine of up to 360 daily rates for committing a misdemeanor anyone who:

- a) as a member of a governing body of, an employee of, or any other person otherwise acting on behalf of a UCITS or a management company, or as an auditor, knowingly violates the obligation of secrecy or who induces or attempts to induce such a violation;
- b) manages a UCITS without authorization or distributes its units in Liechtenstein or for that purpose accepts or holds assets of third parties;
- c) knowingly makes false statements or withholds material facts in the prospectuses, periodic reports, or key investor information, and in the notifications and reports to the FMA or to other competent supervisory authorities of EEA Member States or third States.

2) The Court of Justice shall punish with imprisonment of up to six months or with a fine of up to 180 daily rates for committing a misdemeanor anyone who:

- a) violates the conditions connected with an authorization by the FMA;
- b) uses designations in violation of article 12 (4);
- c) provides no information at all or false or incomplete information to the FMA or to the independent auditor;
- d) as an auditor, grossly violates his or her responsibilities, in particular by knowingly making untrue statements in the report or withholding material facts, by failing to make prescribed requests to the management company, or by failing to submit prescribed reports and notifications;
- e) as a member of a governing body of a management company or a self-managed investment company violates the duty to separate assets pursuant to article 21 (4) and to transfer the assets to a depositary pursuant to article 32 (1);
- f) does not keep account books properly or does not retain account books, documentation and receipts;
- g) violates the obligation to have adequate capital pursuant to article 17.

3) The FMA shall punish with a fine of up to 200,000 Swiss francs for committing an infraction anyone who:

- a) fails to draw up, fails to submit, or only belatedly submits the periodic reports to the FMA and to the investors as required;
- b) fails to have the ordinary audit or an audit prescribed by the FMA carried out;
- c) fails to fulfill his or her responsibilities vis-à-vis the independent auditor;
- d) fails to submit, or only inaccurately or belatedly submits the prescribed reports, notifications, and information to the FMA or to the competent authorities of another EEA Member State;
- e) fails to comply with a demand to bring about a lawful state of affairs or with any other order by the FMA;
- f) fails to comply with a demand to cooperate in an investigation by the FMA;
- g) provides inadmissible, false, or misleading information in advertising for a UCITS or a management company;
- h) fails to comply with the rules of conduct (article 20).
- i) in violation of article 21 fails to take or maintain effective organizational and administrative measures to prevent negative influencing of clients' interests by conflicts of interest;
- k) presents the key investor information or other brief information on UCITS specifically addressed to private customers in a form that is in all likelihood incomprehensible to private customers;

- l) fails to provide, or only provides inaccurately, incompletely, incomprehensibly or belatedly the information on the material elements of the UCITS in the key investor information pursuant to article 80 (3);
- m) as an auditor, violates his or her obligations under this Act, in particular pursuant to article 93 (3), article 94 (1) and (3), and article 95 (1) and (2);
- n) in violation of article 11 (1) fails to apply for approval to amend the constitutive documents, or in violation of article 11 (2) fails to apply for approval for a change of management company or depositary, or in violation of article 11 (3) fails to report or only inaccurately or belatedly reports a change of independent auditor and managers of the depositary.

4) If the offenses are committed negligently, the maximum penalties shall be reduced by half. In the event of repetition, of damage exceeding 75,000 Swiss francs, and where there is intent to damage, the maximum penalty shall be doubled.

5) If the UCITS carries another name than that admissible under article 12 (1) or another designation or abbreviation of legal form than that admissible under article 12 (2), or if an investment company with variable capital in violation of article 7 (9) fails to bear an admissible designation or abbreviation of form under article 12 (2), the management company or self-managed investment company shall be punished by the FMA by an administrative fine of up to 10,000 Swiss francs. This administrative fine may be imposed continuously until a lawful state of affairs has been brought about.



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Article 88

*Tax fraud*

Anyone who commits tax evasion by wilfully using forged, falsified, or untrue account books or other documents shall be punished for committing a misdemeanour with imprisonment of up to one year or a monetary penalty of up to 360 daily rates.

Article 90

*Dealing in goods on which import duty is owed*

Anyone who acquires, accepts as a gift, takes as a pledge or otherwise into safekeeping, conceals, helps distribute, or circulates objects of which he knows or must assume that the import duty owed thereon has wilfully been evaded shall be punished with the penalty applicable to the perpetrator.

<p><b>Gesetz vom 9. Dezember 1992 über die Wirtschaftsprüfer und Revisionsgesellschaften (WPRG)</b></p> <p>Art. 10 Verschwiegenheit</p> <p>1) Der Wirtschaftsprüfer ist zur Verschwiegenheit über die ihm anvertrauten Angelegenheiten und die ihm sonst in seiner beruflichen Eigenschaft bekannt gewordenen Tatsachen, deren Geheimhaltung im Interesse seines Kunden gelegen ist, verpflichtet. Er hat in gerichtlichen und sonstigen behördlichen Verfahren nach Massgabe der verfahrensrechtlichen Vorschriften das Recht auf diese Verschwiegenheit.</p> <p>2) Das Recht des Wirtschaftsprüfers auf Verschwiegenheit darf durch gerichtliche oder sonstige behördliche Massnahmen, insbesondere durch Vernehmung von Hilfskräften des Wirtschaftsprüfers oder dadurch, dass die Herausgabe von Schriftstücken, Bild-, Ton- oder Datenträgern (Dokumenten) aufgetragen wird oder diese beschlagnahmt werden, nicht umgangen werden; besondere Regelungen zur Abgrenzung dieses Verbots bleiben unberührt.</p> <p>3) Wird bei einer Abschlussprüfung ein Wirtschaftsprüfer oder eine Revisionsgesellschaft durch einen anderen Wirtschaftsprüfer oder eine andere Revisionsgesellschaft ersetzt, gewährt das bisherige Revisionsorgan dem neuen Revisionsorgan Zugang zu allen relevanten Informationen über das geprüfte Unternehmen.</p>	<p><b>Law of 9 December 1992 on Auditors and Audit Companies (WPRG)</b></p> <p>Article 10 Confidentiality</p> <p>1) The auditor shall be bound by confidentiality with respect to the matters entrusted to him and with respect to the facts which he gains knowledge of in his professional capacity and whose confidentiality is in the interest of his client. He shall have the right to this confidentiality subject to the applicable rules of procedure in court proceedings and other proceedings before authorities.</p> <p>2) The auditor's right to confidentiality may not be circumvented by judicial or other authority measures, in particular by interrogating assistants of the auditor or by ordering the delivery or the seizing of documents, image carriers, sound storage media, or data carriers (documents); special rules delimiting this prohibition shall not be affected.</p> <p>3) If, during a statutory audit, an auditor or audit company is replaced by another auditor or audit company, the previous audit body shall grant the new audit body access to all relevant information concerning the audited undertaking.</p>
<p><b>Gesetz vom 9. Dezember 1992 über die Rechtsanwälte (Rechtsanwaltsgesetz; RAG)</b></p> <p>Art. 15 Verschwiegenheit</p> <p>1) Der Rechtsanwalt ist zur Verschwiegenheit über die ihm anvertrauten Angelegenheiten und die ihm sonst in seiner beruflichen Eigenschaft bekannt gewordenen Tatsachen, deren Geheimhaltung im Interesse seiner Partei gelegen ist, verpflichtet. Er hat in gerichtlichen und sonstigen behördlichen Verfahren nach Massgabe der verfahrensrechtlichen Vorschriften das Recht auf diese Verschwiegenheit.</p>	<p><b>Act of 9 December 1992 on Lawyers (Lawyers Act, RAG)</b></p> <p>Art. 15 Confidentiality</p> <p>1) The lawyer shall be bound by confidentiality with respect to the matters entrusted to him and with respect to the facts which he gains knowledge of in his professional capacity and whose confidentiality is in the interests of his client. He shall have the right to this confidentiality subject to the applicable rules of procedure in court proceedings and other proceedings before authorities.</p>

<p>2) Das Recht des Rechtsanwalts auf Verschwiegenheit darf durch gerichtliche oder sonstige behördliche Massnahmen, insbesondere durch Vernehmung von Hilfskräften des Rechtsanwalts oder dadurch, dass die Herausgabe von Schriftstücken, Bild-, Ton- oder Datenträgern (Dokumenten) aufgetragen wird oder diese beschlagnahmt werden, nicht umgangen werden; besondere Regelungen zur Abgrenzung dieses Verbotes bleiben unberührt.</p>	<p>2) The lawyer's right to confidentiality may not be circumvented by judicial or other authority measures, in particular by interrogating assistants of the lawyer or by ordering the delivery or the seizing of documents, image carriers, sound storage media, or data carriers (documents); special rules delimiting this prohibition shall not be affected.</p>
<p>§ 121 StGB Verletzung von Berufsgeheimnissen</p> <p>1) Wer ein Geheimnis offenbart oder verwertet, das ihm</p> <ol style="list-style-type: none"> <li>1. als Arzt oder bei Ausübung eines anderen Gesundheitsberufes (Art. 6 des Gesundheitsgesetzes),</li> <li>2. als Rechtsanwalt, Rechtsagent, Treuhänder, Wirtschaftsprüfer oder Patentanwalt,</li> <li>3. als Jugend-, Ehe- und Familienberater oder in der Sozialhilfe tätige Person,</li> <li>4. als berufsmässig mit Aufgaben der Verwaltung einer Krankenanstalt oder mit Aufgaben der Kranken-, Unfall-, Lebens- oder Sozialversicherung Beschäftigter,</li> </ol> <p>anvertraut worden oder zugänglich gemacht worden ist und dessen Offenbarung oder Verwertung geeignet ist, ein berechtigtes Interesse der Person zu verletzen, die seine Tätigkeit in Anspruch genommen hat oder für die sie in Anspruch genommen worden ist, ist mit Freiheitsstrafe bis zu sechs Monaten oder mit Geldstrafe bis zu 360 Tagessätzen zu bestrafen.</p> <p>2) Wer die Tat begeht, um sich oder einem anderen einen Vermögensvorteil zuzuwenden oder einem anderen einen Nachteil zuzufügen, ist mit Freiheitsstrafe bis zu einem Jahr oder mit Geldstrafe bis zu 360 Tagessätzen zu bestrafen.</p> <p>3) Ebenso ist ein von einem Gericht oder einer anderen Behörde für ein bestimmtes Verfahren bestellter Sachverständiger zu bestrafen, der ein Geheimnis offenbart oder verwertet, das ihm ausschliesslich kraft seiner Sachverständigentätigkeit anvertraut worden oder zugänglich ge-</p>	<p>§ 121 StGB Breach of professional secrecy</p> <p>1) Anyone disclosing or exploiting a secret that has been entrusted or made available to him in his capacity as</p> <ol style="list-style-type: none"> <li>1. a medical doctor or when practicing another health profession (article 6 of the Public Health Act),</li> <li>2. a lawyer, legal agent, professional trustee, auditor, or patent lawyer,</li> <li>3. a youth, marriage, or family counsellor or a person involved in social work,</li> <li>4. a person engaged on a professional basis in the administration of a hospital or in health, accident, life, or social insurance,</li> </ol> <p>and where the disclosure or exploitation of the secret is likely to violate a justified interest of the person who has availed himself of his work or on whose behalf a third party has availed itself of his work shall be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates.</p> <p>2) Anyone committing the act to obtain a pecuniary advantage for himself or another person or to cause a disadvantage to another person shall be punished with imprisonment of up to one year or with a monetary penalty of up to 360 daily rates.</p> <p>3) A person shall be punished likewise who, as an expert appointed by a court or another authority for specific proceedings, discloses or exploits a secret entrusted or made available to him solely by virtue of his work as an expert, and where the</p>

<p>worden ist und dessen Offenbarung oder Verwertung geeignet ist, ein berechtigtes Interesse der Person zu verletzen, die seine Tätigkeit in Anspruch genommen hat oder für die sie in Anspruch genommen worden ist.</p> <p>4) Den Personen, die eine der in den Abs. 1 und 3 bezeichneten Tätigkeiten ausüben, stehen ihre Hilfskräfte, auch wenn sie nicht berufsmässig tätig sind, sowie die Personen gleich, die an der Tätigkeit zu Ausbildungszwecken teilnehmen.</p> <p>5) Der Täter ist nicht zu bestrafen, wenn die Offenbarung oder Verwertung nach Inhalt und Form durch ein öffentliches oder ein berechtigtes privates Interesse gerechtfertigt ist.</p> <p>6) Der Täter ist nur auf Verlangen des in seinem Interesse an der Geheimhaltung Verletzten (Abs. 1 und 3) zu verfolgen.</p>	<p>disclosure or exploitation of the secret is likely to violate a justified interest of the person who has availed himself of his work or on whose behalf a third party has availed itself of his work.</p> <p>4) Assistants of the persons carrying out work as referred to in paragraphs 1 and 3 shall be deemed equivalent to those persons, even if they are not working on a professional basis; the same shall apply to persons participating in the work for training purposes.</p> <p>5) The perpetrator shall not be punished if the disclosure or exploitation is, in terms of content and form, warranted by a public or justified private interest.</p> <p>6) The perpetrator shall be prosecuted only at the request of the person whose interest in confidentiality has been violated (paragraphs 1 and 3).</p>
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