

LIECHTENSTEIN¹

National Procedures for Transfer of sentenced persons

Updated on 31/03/2021

The Central Authority responsible for the transfer of sentenced persons	The competent central authority is the Office of Justice P.O. Box 684 9490 Vaduz Liechtenstein Fax: +423 236 7581 Mail: mla.aju@lv.li Contacts: Mr. Harald Oberdorfer, +423 236 6590 Mr. Hubert Wachter, +423 236 7427
If different from the Central Authority, the authority to which the request should be sent:	
If different from the Central Authority, the Authority/ies in charge of coordinating and/or implementing the physical transfer of the person concerned:	
Channels of communication for the request for the transfer of sentenced persons: (directly, through diplomatic channels or other)	Directly to the Office of Justice which acts on behalf of the Government according the declaration to Article 5 para 3 made by Liechtenstein.
Means of communication (eg. by post, fax, e-mail ²):	Liechtenstein authorities accept any means of communication that are capable of producing written records and allow to establish the authenticity of the document.

¹ Please indicate your state.

² Please indicate if encryption or electronic signature is required.

Language requirements:	Requests for transfer and the relevant documents have to be accompanied by a translation into German language.
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Documentation required:	Liechtenstein requires the documentation mentioned in Article 4 para 3 of the Convention on the Transfer of Sentenced Persons, ETS No. 112, and a document showing either the consent of the convicted person (or the fulfilment of the requirements of Article 2 or 3 of the Additional Protocol to the above-mentioned Convention, ETS No. 167).
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Continued enforcement or conversion of the sentence³:	According to the Liechtenstein declaration to Article 3 para 3 the principle of transforming the sentence is excluded so the principle of continued enforcement will apply.

General rules on early release:	According to Liechtenstein Law the decision on conditional release is taken by the competent Princely Court not before having served half of the sentence imposed if there is a positive prognosis that the person will refrain from further criminal behaviour. When examining conditional release accompanying measures such as the assignment of a probation officer, instructions (to provide compensation for the damage caused by the offence, to undergo a specific training, to be treated for drug addiction, etc.) shall be taken into account. The person has to be released indicating a period of probation if there is reason to believe that he/she will refrain from further criminal behaviour (Section 46 para 1 of the Criminal Code). Having served two thirds of the sentence imposed conditional release can only be refused if particular reasons give rise to the fear that the offender would commit further offences if released (Section 46 para 2 of the Criminal Code). Conditional release is also possible from certain measures involving deprivation of liberty. Mentally ill offenders can be released on parole, if the warning to commit the person to an institution together with a continued medical treatment after release and measures such as the assignment of a probation officer,
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³ In case the sentence is converted, please specify whether this is done before or after the transfer has taken place.

	<p>instructions, etc. are considered sufficient - taking into account the personality of the offender, his/her state of health, his/her previous life, the nature of the offence committed, the success of a medical treatment during detention and chances of a positive future life – to eliminate danger emanating from the mentally ill offender. Mentally ill offenders who can be held responsible for the crimes committed can be released from the measures only together with a release from the sentence imposed (Section 45 para 1 of the Criminal Code). Offenders addicted to drugs or alcohol can be committed to a specific institution. A release from this measure, which must not exceed two years, is also possible together with a release from the sentence imposed if there is reason to believe, that the warning to commit the person to an institution together with measures such as the assignment of a probation officer, instructions (in particular to be treated for addiction) are sufficient to overcome the addiction (Section 45 para 2 of the Criminal Code). A conditional release from other measures, such as a commitment to an institution for dangerous re-offenders is not possible under Liechtenstein law (Section 45 para 4 of the Criminal Code).</p>
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Scope of application with regard to transfer of mentally disordered persons:	<p>If the administering and the executing State can find an agreement a transfer of mentally disordered persons is not excluded. It must be taken into account that mentally disordered persons have to serve their sentences in foreign institutions due to the lack of such institutions in Liechtenstein.</p>
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Scope of application with regard to nationals and/or residents:	<p>Liechtenstein only accepts requests for transfer of own nationals (see Article 3 para 1 lit a of the European Convention on the Transfer of Sentenced Persons)</p>
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Other relevant information: (such as practice regarding time limits or revocation of consent)	<p>No time limits apply.</p>
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Links to national legislation, national guides on procedure:	<p>Liechtenstein legislation is available at www.gesetze.li</p> <p>The main national legislation is contained in the Law of 15 September 2000 on International Mutual Assistance in</p>
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	<p>Criminal Matters (Legal Assistance Law, LGBl. 2000 Nr. 215, LR 351).</p> <p>A non-binding translation of the Legal Assistance Law into English can be found at www.regierung.li/law</p>
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<p>Link to information about the Convention (according to Article 4) in the official language(s) of the State Party (see also Rec. R (84) 11 of the Committee of Ministers concerning information about ETS°112 and PC-OC INF 12):</p>	<p>Written information on the Convention is available in the one and only prison in Liechtenstein.</p>
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For Parties to the Additional Protocol

<p>Information on the implementation of Article 2: (e.g. interpretation of “by fleeing to”)</p>	<p>Liechtenstein will interpret “by fleeing to” in a broad sense in order to allow the enforcement of a sentence imposed abroad in the country of nationality.</p>
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<p>Information on the implementation of Article 3 (e.g. interpretation of the requirement of a consequential link between the decision on expulsion and the sentence)</p>	<p>Liechtenstein courts do not require a consequential link between the decision on expulsion and the sentence.</p>
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<p>Documentation required:</p>	<p>Liechtenstein requires the documentation mentioned in Article 4 para 3 of the European Convention on the Transfer of Sentenced Persons, ETS No. 112, and a document showing the fulfilment of the requirements of Articles 2 or 3 of the Additional Protocol.</p>
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<p>Other relevant information:</p>	
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