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Criminal Law

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LAW

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I. Criminal Code (StGB)

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1. Section General Provisions

§ 1

No punishment without law

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

2) A more severe penalty than the one threatened at the time of the commission may not be imposed. A preventive measure may only be ordered

be taken if, at the time of the commission, this preventive measure or one of the

The court may order a punishment or preventive measure that is comparable in nature to the punishment or preventive measure provided for by law. The ordering of a preventive measure that is merely comparable in nature may not subject the offender to less favorable treatment than was permissible under the law in force at the time of the offense.

§ 2

Commitment by omission

If the law threatens the achievement of a result with punishment, it is also punishable whoever fails to avert it, although he is obliged to do so by virtue of a special obligation imposed on him by the legal system and the failure to avert the result is to be regarded as equivalent to the realization of the statutory offense by an act.

§ 3

Self-defense

1) A person shall not be deemed to have acted unlawfully if he only uses the means of defense necessary to ward off a present or imminent unlawful attack on his own or another's life, health, physical integrity, freedom or property. However, the act is not justified if it is obvious that the attacked person is only threatened with a minor disadvantage and the defense is unreasonable, in particular because of the severity of the impairment of the attacker necessary for the defense.

2) Whoever exceeds the justified measure of defense or uses an obviously inadequate defense (para. 1), if this is done merely out of dismay, fear or fright, shall be liable to prosecution only if the excess is due to negligence and the negligent act is punishable.

§ 4

No punishment without guilt

Only those who act culpably are liable to prosecution.

§ 5

Intent

1) A person acts intentionally if he intends to realize a state of affairs that corresponds to a legal crime; for this it is sufficient that the perpetrator seriously considers this realization to be possible and accepts it.

2) The perpetrator acts intentionally if it is important to him to avoid the circumstance

or

success, for which the law requires intentional action.

3) The perpetrator acts knowingly if he not only considers the circumstance or result for which the law presupposes knowledge to be possible, but also considers its existence or occurrence to be certain.

§ 6

Negligence

1) A person acts negligently if he fails to exercise the care that he is obliged to exercise under the circumstances and that he is capable of exercising under his mental and physical conditions and that he can reasonably be expected to exercise, and therefore fails to recognize that he could realize a situation that corresponds to a statutory offense.

2) Negligence is also committed by anyone who believes that it is possible that such an event will occur, but does not intend to bring it about.

3) A person acts with gross negligence if he/she acts in an unusual and conspicuously careless manner, so that the occurrence of a situation corresponding to the legal facts was foreseeable as almost probable.

§ 7

Criminal liability for intentional and negligent acts

1) Unless the law provides otherwise, only intentional acts are punishable.

2) A more severe penalty, which is linked to a particular consequence of the act, shall be imposed on the offender only if he has caused this consequence at least negligently.

§ 8

Erroneous assumption of a justifying fact

A person who erroneously assumes a fact that would exclude the unlawfulness of the act may not be punished for intentional commission. He shall be punished for negligent commission if the error is due to negligence and the negligent commission is punishable.

§ 9

Error of law

1) A person who fails to recognize the wrongfulness of the act due to an error of law does not act culpably if he cannot be blamed for the error.

2) The mistake of law is to be accused if the wrong was easily recognizable for the perpetrator as for everyone or if the perpetrator did not acquaint himself with the relevant regulations although he would have been obliged to do so according to his profession, occupation or otherwise the circumstances.

3) If the offender acts intentionally, the penalty for the intentional act shall be applied, if he acts negligently, the penalty for the negligent act shall be applied.

§ 10

Excusable emergency

1) A person who commits a punishable act in order to avert an imminent significant disadvantage to himself or another shall be excused if the damage threatened by the act is not disproportionately more serious than the disadvantage it is intended to avert and no other conduct could be expected in the situation of the perpetrator from a person connected with the legally protected values.

2) The perpetrator shall not be excused if he deliberately exposed himself to the danger without a reason recognized by the legal system. The perpetrator shall be punished for negligent commission if he has assumed the conditions under which his act would be excused in an error based on negligence, and the negligent commission is punishable.

§ 11

Sanity

A person who, at the time of the act, is incapable of recognizing the wrongfulness of his act or of acting on the basis of such recognition because of mental illness, mental disability, profound disturbance of consciousness or other serious mental disorder equivalent to one of these conditions, shall not be guilty of culpability.

§ 12

Treatment of all participants as perpetrators

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

§ 13

Independent criminal liability of the parties involved

If more than one person was involved in the act, each of them shall be punished according to his fault.

§ 14

Characteristics and circumstances of the offender

1) If the law makes the punishability or the amount of the penalty dependent on special personal characteristics or circumstances of the perpetrator that affect the wrongfulness of the act, the law shall apply to all participants if these characteristics or circumstances are present even in only one of them. If, however, the wrongfulness of the act depends on the fact that the bearer of the special personal characteristics or circumstances directly carries out the act or otherwise participates in it in a certain way, this condition must also be fulfilled.

2) If, on the other hand, the special personal characteristics or circumstances relate exclusively to the debt, the law shall apply only to the parties in respect of whom such characteristics or circumstances exist.

§ 15

Criminal liability of the attempt

1) The threats of punishment against intentional acts apply not only to the full act, but also to the attempt and to any participation in an attempt.

2) The act shall be deemed to have been attempted as soon as the perpetrator expresses his decision to perform it or to designate another to perform it (Article 12) by an act immediately preceding the performance of the act.

3) Attempt and participation therein shall not be punishable if completion of the act was impossible under any circumstances due to the lack of personal qualities or circumstances that the law presupposes in the actor or due to the nature of the act or the object on which the act was committed.

§ 16

Withdrawal from the attempt

1) The perpetrator shall not be punished for the attempt or participation therein if he voluntarily abandons the execution or, if more than one is involved, prevents it, or if he voluntarily averts success.

2) The perpetrator shall also be exempt from punishment if the execution or the success fails to occur without his intervention, but he voluntarily and seriously endeavors to prevent the execution or to avert the success in ignorance thereof.

2. Section

Classification of punishable acts

§ 17

Classification of punishable acts

1) Crimes are intentional acts punishable by life imprisonment or imprisonment for more than three years.

2) All other punishable acts shall be misdemeanors, unless otherwise provided for in ancillary criminal laws.

3. Section

Penalties, Forfeiture and Preventive Measures

§ 18

Prison sentences

1) Prison sentences are imposed for life or for a fixed term.

2) The term of imprisonment shall be not less than one day and not more than twenty years.

§ 19

Fines

1) The fine shall be assessed in daily rates. It shall amount to at least two daily sentences.

2) The daily rate shall be determined according to the personal circumstances and economic capacity of the offender at the time of the judgment at first instance. However, the daily rate shall be set at a minimum of 10 francs and a maximum of 1,000 francs.

3) In the event that the fine is irrecoverable, a substitute term of imprisonment shall be imposed. One day of substitute imprisonment corresponds to two daily sentences.

4) Retrieved

§ 19a

Confiscation

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

1a) The confiscation shall also extend to the substitute values of the objects referred to in para. 1, which were owned by the offender at the time of the decision of the first instance.

2) Confiscation shall be refrained from insofar as it relates to the significance of the act or to

is disproportionate to the charge against the offender.

§ 20

Decay

1) The court shall declare forfeited assets obtained for or through the commission of an act punishable by law.

2) The forfeiture shall also extend to uses and replacement values of the assets to be declared forfeited under subsection 1.

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

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

§ 20a

Failure to forfeit

1) Forfeiture against a third party pursuant to § 20 paras. 2 and 3 shall be excluded if the third party acquired the assets in ignorance of the punishable act.

2) Moreover, forfeiture is excluded:

1. against a third party, insofar as the third party acquired the assets against payment in ignorance of the act punishable by a penalty,

2. to the extent that the person concerned has satisfied civil claims arising from the act or provided security for them, or

3. insofar as its effect is achieved by other legal measures.

3) Forfeiture is to be refrained from, as far as:

1. the asset to be forfeited or the prospect of its recovery is disproportionate to the procedural effort that forfeiture or recovery would require, or

2. it would disproportionately impede the progress of the person concerned or represent an undue hardship for the person concerned.

§ 20b

Extended decay

1) Assets that are subject to the power of disposal of a criminal organization (Section 278a) or a terrorist organization (Section 278b) or that have been provided or collected as a means of financing terrorism (Section 278d) shall be declared forfeited.

2) If a crime has been committed for the commission of which or as a result of which assets have been obtained, those assets shall also be declared forfeited which have been obtained in a temporal connection with this act if it can be assumed that they originate from an unlawful act and their lawful origin cannot be substantiated.

3) If offenses under sections 165, 278, 278c and 304 to 309 have been committed continuously or recurrently, for the commission of which or by means of which assets were obtained, those assets shall also be declared forfeited which were obtained in a temporal connection with these offenses, if it can be assumed that they originate from further offenses of this kind and their lawful origin cannot be made credible.

4) § Section 20 (2) to (4) shall apply mutatis mutandis.

§ 20c

Failure to extend the expiration

1) Extended forfeiture pursuant to Section 20b (1) shall be excluded if the assets concerned are subject to legal claims by persons who are not involved in the criminal organization or terrorist organization or in the financing of terrorism.

2) § Section 20a shall apply accordingly.

§ 21

Placement in an institution for mentally abnormal lawbreakers

1) If a person commits an act that is punishable by a term of imprisonment exceeding one year and cannot be punished only because

he has committed it under the influence of a state excluding sanity (§ 11), which is based on a mental or emotional abnormality of a higher degree, the court shall commit him to an institution for mentally abnormal offenders, if it is to be feared from his person, his condition and the nature of the act that he would otherwise, under the influence of his mental or emotional abnormality, commit an act punishable by a severe penalty.

consequences.

2) If there is such a fear, a person who commits an act punishable by a term of imprisonment exceeding one year under the influence of mental or psychological abnormality of a higher degree without being sane shall also be placed in an institution for mentally abnormal offenders. In such a case, placement shall be ordered at the same time as the sentence is pronounced.

§ 22

Placement in an institution for lawbreakers in need of weaning

1) A person who is addicted to an intoxicating agent or narcotic and is convicted of a criminal offence committed while intoxicated or otherwise in connection with his addiction or of committing a criminal offence in a state of full intoxication (section 287) shall be committed by the court to an institution for lawbreakers in need of weaning, if, according to his person and the nature of the act, it is to be feared that, in connection with his habituation to intoxicants or narcotics, he will otherwise commit a punishable act with serious consequences or commit punishable acts with not merely minor consequences.

2) Placement shall be dispensed with if the offender has to serve more than two years in criminal custody, the conditions for his placement in an institution for mentally abnormal offenders exist or the attempt to wean him off seems futile from the outset.

§ 23

Placement in an institution for dangerous recidivists

1) If a person is sentenced to a term of imprisonment of at least two years after reaching the age of twenty-four, the court shall at the same time order his placement in an institution for dangerous recidivists,

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

2. if he/she has already been sentenced twice exclusively or predominantly to imprisonment for acts of the kind mentioned in item 1, each time for a term of more than

has been sentenced to six months' imprisonment and has therefore served at least eighteen months' imprisonment before committing the acts for which the sentence has now been passed, but after reaching the age of eighteen, and

3. if it is to be feared that he will otherwise continue to commit such criminal acts with serious consequences because of his addiction to criminal acts of the kind referred to in item 1 or because he is used to earning his livelihood predominantly through such criminal acts.

2) Placement shall be dispensed with if the requirements for placing the offender in an institution for mentally abnormal offenders are met.

3) Detention in an institution for mentally abnormal offenders pursuant to section 21(2) or in an institution for weaned offenders shall be deemed equivalent to criminal detention (subsection 1(2)) insofar as the period of detention is to be credited against the sentence.

4) A previous sentence shall not be taken into account if more than five years have elapsed since it was served before the next offence. This period does not include periods during which the convicted person was detained by order of the authorities. If the sentence has been served only by crediting a period of prior detention, the period shall not commence until the judgment has become final.

5) Foreign convictions shall be taken into account if the requirements of section 73 are met and it can be assumed that the offender would also have been sentenced by a domestic court to a term of imprisonment of more than six months and would have served the time required to meet the requirements of subsection 1(2).

§ 24

Sequence of execution of custodial sentences and preventive measures associated with deprivation of liberty.

1) Placement in an institution for mentally abnormal offenders or in an institution for weaned offenders shall be carried out before the custodial sentence. The period of detention shall be credited against the sentence. If the detention is lifted before the expiry of the sentence, the lawbreaker shall be transferred to the penal system, unless the remainder of the sentence is conditionally or unconditionally remitted to him.

2) Placement in an institution for dangerous recidivists shall be carried out after the custodial sentence. Before transferring the offender to the institution for dangerous recidivists, the court shall ex officio examine whether the

Accommodation is still necessary.

§ 25

Duration of preventive measures associated with deprivation of liberty.

1) Preventive measures shall be ordered for an indefinite period. They shall be enforced for as long as their purpose requires. However, placement in an institution for lawbreakers in need of weaning may not last longer than two years, and placement in an institution for dangerous recidivists may not last longer than ten years.

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

3) Whether placement in an institution for mentally abnormal lawbreakers or in an institution for dangerous recidivists is still necessary shall be reviewed by the court ex officio at least annually.

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

§ 26

Collection

1) objects used by the perpetrator in the commission of the act punishable by the penalty, intended by him to be used in the commission of that act, or made available by this

The objects that have been produced as a result of an act are to be confiscated if these objects endanger the safety of people, morality or public order.

2) Confiscation shall be waived if the person entitled removes the special nature of the objects, in particular by removing or rendering inoperable devices or markings that facilitate the commission of punishable acts. Objects to which a person not involved in the punishable act is legally entitled may be confiscated only if the person concerned offers no guarantee that the objects will not be used to commit punishable acts.

3) If the conditions for confiscation are met, the objects shall be confiscated even if no specific person can be prosecuted or convicted for the act punishable by a penalty.

§ 27

Loss of office and other legal consequences of conviction

1) With the conviction by a domestic court for an or

of several criminal acts committed with intent to a term of imprisonment of more than one year shall entail the loss of office in the case of a public official.

2) If a conviction by a criminal court under a statute entails a legal consequence other than that specified in subsection 1, the legal consequence shall, unless otherwise provided, end after five years unless it consists in the loss of special rights based on election, conferral or appointment. The period shall commence as soon as the sentence has been executed and preventive measures have been taken or have ceased to apply; if the sentence has been served only by crediting a period of prior imprisonment, the period shall commence when the judgment becomes final.

§ 28

Coincidence of punishable acts

1) If a person has committed several punishable acts of the same or different nature by one act or by several independent acts, and if these punishable acts are adjudicated at the same time, then if the concurrent laws provide only for imprisonment or only for fines, a single imprisonment or fine shall be imposed.

recognize. This penalty shall be determined in accordance with the law which imposes the highest penalty. Apart from extraordinary mitigation, however, no lesser penalty may be imposed than the highest of the minimum penalties provided for in the concurrent laws.

2) If one of the concurrent laws imposes a custodial sentence and another imposes a monetary penalty, or if only one of the concurrent laws imposes both custodial sentences and monetary penalties, then, if both sentences are mandatory, both a custodial sentence and a monetary penalty shall be imposed. If one of them is not mandatory, it may be imposed. The same shall apply to other types of punishment that are imposed in addition to a custodial sentence or a monetary penalty. Paragraph 1 shall apply to the determination of the term of imprisonment and the fine.

3) If, according to para. 2, a custodial sentence and a monetary penalty would have to be imposed, then, if a monetary penalty is to be imposed instead of a custodial sentence (section 37), only a monetary penalty shall be imposed according to para. 1.

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

§ 29

Adding up the values and damages

If the amount of the penalty depends on the value of a thing against which the act is directed or on the damage it causes or to which the offender's intent extends, the total extent of the values or damage shall be decisive if the offender has committed several acts of the same kind.

§ 30

Inadmissibility of multiple increases of the ceiling specified in the law

Exceeding by half the upper limit of a penalty specified in the law is always permissible only once, even if various reasons for which such exceeding is permissible (§§ 39, 313) coincide.

§ 31

Penalty for subsequent conviction

1) If a person who has already been sentenced to a penalty is convicted of another act which, according to the time of its commission, could already have been sentenced in the earlier proceedings, an additional penalty shall be imposed. This additional penalty may not exceed the maximum penalty imposed for the act that is now to be sentenced. The sum of the penalties may not exceed the penalty that would be permissible under the rules on the assessment of penalties in the case of a concurrence of punishable acts and on the aggregation of values and damages.

2) A previous domestic conviction shall be deemed equivalent to a previous foreign conviction even if the requirements under section 73 are not met.

§ 31a

Subsequent mitigation of the penalty and forfeiture

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

2) If the personal circumstances or economic capacity of a person sentenced to a fine subsequently deteriorate not merely insignificantly, the court shall reassess the amount of the fine for the outstanding fine within the limits of section 19(2), unless the person sentenced intentionally caused the deterioration, even if only by refraining from reasonable gainful employment.

3) Retrieved

4) If circumstances subsequently arise or become known, the existence of which at the time of the judgment would not have led to forfeiture or only to the forfeiture of lesser forfeitures, the forfeiture shall be deemed to have occurred.

The court shall amend the decision accordingly.

4. Section
penalty
assessment

§ 32
General principles

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

2) In determining the penalty, the court shall weigh the aggravating and mitigating factors, insofar as they do not already determine the penalty, and shall also take into account the effects of the penalty and other expected consequences of the act on the future life of the offender in society. In doing so, it must be taken into account, above all, to what extent the act is due to an attitude of the perpetrator that is hostile or indifferent to legally protected values and to what extent it is due to external circumstances or motives that could also make it obvious to a person connected with the legally protected values.

3) In general, the punishment shall be the more severe the greater the damage or endangerment for which the offender is responsible or which he did not cause but to which his fault extended, the more duties he violated by his act, the more maturely he considered his act, the more carefully he prepared it or the more recklessly he executed it, and the less caution could have been used against the act.

§ 33
Special aggravating grounds

1) In particular, it is a ground for aggravation if the offender:

1. has committed several criminal acts of the same or different nature or has continued the criminal act for a longer period of time;

2. has already been convicted of an offense based on the same harmful tendency;

3. has enticed another to commit a criminal act;

4. has been the author or instigator of a criminal act committed by more than one person or has taken a leading part in such an act;

5. for racist, xenophobic or other particularly reprehensible reasons, in particular those that are directed against one of the groups listed in §

283 para. 1 item 1 or a member of such a group expressly because of membership in this group;

6. acted insidiously, cruelly, or in a manner that was distressing to the victim;

7. has taken advantage of the helplessness of another person when committing the act;

8. committed the act within the framework of a criminal organization;

9. has committed a criminal act in conscious and deliberate cooperation with another person;

10. has committed the act by misusing the personal data of another person in order to gain the trust of a third party, thereby causing damage to the rightful identity owner.

2) Except in the cases specified in section 39a(1), it shall also be a ground for aggravation if an adult offender intentionally commits a criminal act with the use of force or dangerous threat against a minor or perceptibly against a person close to him or her.

3) It shall also be a ground for aggravation if the offender intentionally commits an offense under sections 1 to 3 or section 10 of the Special Part,

1. against a relative (section 72), including a former wife, registered partner or cohabitant or a former husband, registered partner or cohabitant, as a person living with the victim or a person abusing his or her position of authority;

2. against a person in need of protection due to special circumstances, taking advantage of his or her special need for protection;

3. using an exceptionally high degree of force or after the act has been preceded by such use of force;

4. committed with the use or threat of a weapon.

§ 34

Special mitigating grounds

1) It is a mitigating factor in particular if the offender:

1. the act was committed after the age of eighteen but before the age of one or twenty, or if he committed it under the influence of an abnormal state of mind, if he is weak in intellect, or if his education has been greatly neglected;

2. has led an orderly life up to now and the act is in conspicuous contradiction with his other behavior;

3. committed the act out of respectable motives;

4. committed the act under the influence of a third party or out of fear or obedience;

5. has committed a criminal offense merely by failing to avert success in a case in which the law makes the bringing about of a result punishable;

6. was only involved in a minor way in one of several criminal acts committed;

7. committed the act only out of rashness;

8. The first time, the first time, the first time, the first time, the first time, the first time, the first time;

9. has committed the act more tempted by a particularly tempting opportunity than with preconceived intention;

10. has been determined to commit the deed by an oppressive need that is not due to work-shyness;

11. has committed the act under circumstances that are close to a ground for exclusion of guilt or justification;

12. the act in an error of law not excluding guilt (§

9) has committed, especially if he is punished for intentional commission;

13. has not caused any damage despite the completion of the act or the attempt has not been successful;

14. has voluntarily refrained from inflicting greater damage, although the opportunity to do so was open to him, or if the damage has been made good by the offender or by a third party on his behalf;

15. has made serious efforts to repair the damage caused or to prevent further adverse consequences;

16. He was a man who turned himself in, even though he could have easily escaped or it was likely that he would remain undiscovered;

17. has made a remorseful confession or has substantially contributed to the establishment of the truth by his or her testimony;

18. committed the act a long time ago and has behaved well since then;

19. is affected by the fact that he or she or a person close to him or her has suffered considerable bodily injury or damage to health or other substantial actual or legal disadvantages as a result of the act or as a consequence thereof.

2) It is also a mitigating factor if the proceedings against the offender have lasted for an unreasonably long time for reasons beyond the control of the offender or his defense counsel.

§ 35

Intoxication

If the offender has acted in a state of intoxication that does not preclude sanity, this shall only be mitigating insofar as the resulting reduction in sanity is not outweighed by the charge that the consumption or use of the intoxicating agent justifies according to the circumstances.

§ 36

Imposing custodial sentences on persons under twenty-one years of age

A person who has not attained the age of twenty-one years at the time of the offense shall not be sentenced to more severe punishment than imprisonment for a term of twenty years. The threat of life imprisonment and the threat of imprisonment for a term of ten to twenty years or life imprisonment shall be replaced by the threat of imprisonment for a term of five to twenty years. The minimum penalty exceeding one year's imprisonment shall be reduced to that amount, and the minimum penalty of one year shall be reduced to six months. However, if no more severe penalty than a five-year custodial sentence is threatened, the minimum penalty shall not apply.

§ 37

Imposition of fines instead of custodial sentences

1) If an offence is not subject to a more severe penalty than imprisonment for a term of up to five years, a fine of not more than 720 daily rates shall be imposed instead of imprisonment for a term of not more than one year if a sentence of imprisonment is not required to deter the offender from committing further criminal offences.

2) If for an act a more severe term of imprisonment than under subsection 1, but no more severe than a ten-year term of imprisonment, is threatened, the imposition of a fine of not more than 720 daily rates instead of a term of imprisonment of not more than

more than one year is permissible only if a custodial sentence is not required to deter the offender from committing further criminal acts, and the imposition of a monetary penalty is sufficient to deter the commission of criminal acts by others.

§ 38

Crediting of prior detention

1) Administrative and judicial custody and pre-trial detention shall be credited against custodial sentences and fines if the offender has served the custodial

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

2. otherwise after the commission of this act on suspicion of an act punishable by a penalty

in both cases only to the extent that the imprisonment has not already been offset against another sentence or the arrested person has not been compensated for it.

2) The substitute custodial sentence shall be decisive for the crediting of the preliminary custody against a monetary penalty.

§ 39

Penalty aggravation for recidivism

1) If the offender has already been sentenced twice to a term of imprisonment for acts based on the same harmful tendency and has served at least part of these sentences, even if only by taking into account a period of prior imprisonment or the period of imprisonment associated with the execution of a preventive measure, the offender shall be deemed to have served at least part of the sentence.

If, after reaching the age of eight or ten, the offender again commits a criminal offence based on the same harmful tendency, the maximum term of imprisonment or fine may be exceeded by half. However, the term of imprisonment may not exceed 20 years.

2) A previous sentence shall be disregarded if more than five years have elapsed since it was served before the next offence. Periods during which the convicted person has been detained by order of the authorities shall not be included in this period. If the sentence has only been served by taking into account a period of prior detention, the period shall not commence until the judgment has become final.

§ 39a

Modification of the threat of punishment for criminal acts against minors

1) If an adult perpetrator has committed an intentional criminal act with the use of force or a dangerous threat against a minor, the threat shall be replaced by the following

1. a term of imprisonment of up to one year or the threat of such a term of imprisonment or a fine the threat of a term of imprisonment of two months to one year,

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

3. a term of imprisonment, the minimum of which is six months, the threat of a minimum term of imprisonment of one year,

4. a term of imprisonment, the minimum of which is one year, the threat of a minimum term of imprisonment of two years.

2) In the application of sections 36 and 41, the threats of punishment amended in accordance with subsection 1 shall be taken as a basis.

§ 40

Penalty assessment in case of subsequent conviction

In the case of a subsequent conviction, the additional penalty shall be calculated within the limits specified in section 31 so that the sum of the penalties is equal to the penalty that would have been imposed in the case of a joint conviction.

If, in the case of joint sentencing, no higher sentence than that imposed in the previous sentence would have to be pronounced, an additional sentence shall not be imposed.

§ 41

Extraordinary mitigation of punishment in case of preponderance of the mitigating reasons

1) If the grounds for mitigation considerably outweigh the grounds for aggravation and if there is a reasonable prospect that the offender will not commit any further criminal acts even if a custodial sentence is imposed that is less than the statutory minimum, the sentence may be imposed:

1. if the offense is punishable by life imprisonment, or if it is punishable by imprisonment for a term of ten to twenty years, or by life imprisonment for a term of not less than one year;

2. if the offense is not punishable by life imprisonment but by imprisonment for a term of not less than ten years, to imprisonment for a term of not less than six months;

3. if the offense is punishable by imprisonment for a term of not less than five years, to a suspended sentence of not less than three months;

4. if the offense is punishable by imprisonment for a term of not less than one year, to a suspended sentence of not less than one month;

5. if the offense is punishable by a lesser term of imprisonment, to imprisonment for not less than one day.

2) Under the conditions of para. 1 items 3 and 4, however, a custodial sentence of at least six months must be imposed if the act has resulted in the death of a person (§ 7 para. 2), even if this circumstance already determines the penalty.

3) Sections 43 and 43a may also be applied if a custodial sentence of more than two or three years, but not more than five years, is or would have to be imposed, provided that the grounds for mitigation considerably outweigh the grounds for aggravation and there is a reasonable prospect that the offender will not commit any further criminal offences even if such a sentence is imposed.

§ 41a

Extraordinary mitigation of punishment in case of cooperation with law enforcement authorities

1) If the perpetrator of an act punishable under Sections 277, 278, 278a or 278b or of an act punishable under Sections 277, 278a or 278b, or of an act punishable under Sections 277, 278a or 278b, which is connected with such a conspiracy, association or organization, discloses to a criminal prosecution authority his knowledge of facts the knowledge of which contributes substantially thereto,

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

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

3. to investigate a person who has taken part in such an arrangement in a leading capacity or has been active in such an association or organization in a leading capacity,

a statutory minimum sentence may be reduced in accordance with section 41 if this corresponds to the significance of the facts disclosed in relation to the culpability of the offender. § Section 41(3) shall apply mutatis mutandis.

2) If the knowledge of the perpetrator relates to criminal acts to which the Liechtenstein criminal laws do not apply, para. 1 shall nevertheless apply to the extent that the provision of legal assistance would be permissible.

§ 42

Lack of punishability of the act

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

1. the culpability of the offender is low,

2. the act has had no or only insignificant consequences or, if the offender has at least made a serious effort to do so, the consequences of the act have been substantially eliminated, remedied or otherwise compensated for, and

3. punishment is not required to deter the offender from committing criminal acts or to prevent the commission of criminal acts by others.

5. Section

Conditional parole and conditional release Instructions and probation assistance

§ 43

Conditional leniency

1) If an offender is sentenced to a term of imprisonment of not more than two years or to a fine, the court shall impose a conditional sentence on him, subject to a probationary period of not less than one and not more than three years, if it may be assumed that the mere threat of enforcement, alone or in conjunction with other measures, will suffice to deter him from committing further offences and the enforcement of the sentence is not necessary to prevent the commission of offences by others. In particular, the nature of the act, the person of the offender, the degree of his guilt, his previous life and his conduct after the act shall be taken into account.

2) Repealed40

3) If the indulgence is not revoked, the penalty shall be definitively enforced. In such a case, time limits, the running of which begins as soon as the penalty has been enforced, shall be calculated from the date on which the judgment becomes final.

§ 43a

Conditional leniency of part of the sentence

1) If a fine is imposed and if the requirements of the

§ Section 43 to a part of the sentence, the court shall conditionally remit that part.

2) If a term of imprisonment of more than six months but not more than two years is to be imposed and the requirements for a conditional discharge of the entire sentence are not met, a fine of up to 360 daily rates shall be imposed instead of a part of the term of imprisonment if, in view of this, the remaining part of the term of imprisonment can be conditionally discharged under section 43.

3) If a custodial sentence of more than six months but not more than two years is imposed and, in particular in view of the offender's previous convictions, neither the entire sentence can be conditionally suspended nor can subsection (2) be applied, the sentence shall be suspended under the conditions set out in subsection (2).

In the event that the conditions of section 43 are not fulfilled, part of the sentence shall be suspended. The part of the sentence that is not conditionally suspended must amount to at least one month and may not exceed one third of the sentence.

4) If a custodial sentence of more than two but not more than three years is imposed and there is a high probability that the offender will not commit any further criminal offences, part of the sentence shall be conditionally suspended under the conditions set out in section 43. Paragraph 3, last sentence, shall apply.

5) Retrieved

§ 44

Conditional leniency in case of concurrence of several penalties

1) If a custodial sentence and a monetary penalty are imposed concurrently, both sentences shall be conditionally suspended if the prerequisites for this apply. If it can be assumed that the execution of one of these sentences or part of one sentence will suffice, sections 43 and 43a may be applied to each of the two sentences.

2) Ancillary penalties and legal consequences of a conviction may be conditionally reviewed independently of the main penalty.44

§ 45

Conditional leniency of preventive measures

1) Placement in an institution for mentally abnormal offenders shall be conditionally postponed if, on the basis of the person of the person concerned, his state of health, his previous life, the nature of the offence and his prospects of honest progress, in particular after a successful treatment achieved during provisional detention pursuant to section 340 (4) of the Code of Criminal Procedure or execution of pre-trial detention by provisional placement pursuant to section 348 of the Code of Criminal Procedure, it is to be presumed that the

the mere threat of placement in conjunction with treatment outside the institution and any further measures provided for in §§ 50 to 52 will be sufficient to prevent the dangerousness against which the preventive measure is directed. The placement according to

§ Section 21(2) may, moreover, only be conditionally suspended at the same time as the sentence.

The probationary period in the case of conditional forbearance of accommodation under

§ 21 is ten years, the criminal offense on which the accommodation is based is

However, the penalty for such an act shall not be more severe than imprisonment for a term of ten years, five years.

2) Placement in an institution for wean- ing offenders may be conditionally suspended only at the same time as the sentence and only if it may be assumed that the mere threat of placement in conjunction with one or more of the measures provided for in sections 50 to 52 will suffice to overcome the habit of the offender to intoxicating or addictive substances. The probationary period stipulated for the conditional postponement of punishment shall also apply to the conditional postponement of placement in an institution for lawbreakers in need of detoxification.

3) § Section 43 (3) shall apply mutatis mutandis.

4) The conditional indulgence of other preventive measures is inadmissible.

§ 46

Conditional release from a custodial sentence

1) If an offender has served half of the term of imprisonment imposed by the judgment or by way of clemency, but not less than three months, the remainder of the sentence shall be served conditionally, with a probationary period, if it is likely that the execution of the remainder of the sentence will not be necessary to deter the offender from committing further criminal offences.

2) If an offender has served two-thirds of the term of imprisonment imposed by the judgment or by way of clemency, but not less than three months, the remainder of the sentence shall be served conditionally, subject to a probationary period, unless there are special grounds for fearing that the offender will commit further criminal offences while at liberty.

3) If the term of imprisonment was imposed for an offense committed before the offender reached the age of twenty-one, the minimum term of imprisonment to be served (paras. 1 and 2) shall be one month.

4) Any decision on conditional release shall take into account the person of the offender, his previous life, his prospects of honest advancement and his performance during the execution of the sentence, as well as the circumstance whether for special reasons the execution of the sentence is necessary in order to prevent the commission of criminal acts.

by others. If necessary, conditional discharge shall only be pronounced in conjunction with other measures.

5) If an offender serves several custodial sentences, their total duration shall be decisive, provided that they are served immediately one after the other or are interrupted only by periods during which he is otherwise held by order of the authorities. However, parts of a sentence not conditionally suspended under section 43a(3) and (4) shall not be taken into account. Conditional release from such a part of a sentence is excluded.

6) A criminal who has been sentenced to life imprisonment may not be released on parole until he has served fifteen years. If this condition is met, he shall nevertheless be released on parole only if, on the basis of his person, his previous life, his prospects of honest continuation and his performance during the execution, it may be assumed that he will not commit any further criminal offences in freedom and that, despite the seriousness of the offence, further execution is not required in order to counteract the commission of criminal offences by others.

§ 47

Release from a preventive measure involving deprivation of liberty

1) Persons admitted to an institution for mentally abnormal offenders shall always be released conditionally only subject to a probationary period. Persons admitted to an institution for mentally retarded offenders and to an institution for dangerous recidivists shall be released unconditionally if the detention period (section 25(1)) has expired or if, in the case of detention in an institution for mentally retarded offenders, continuation or completion of the detoxification treatment would not be successful; otherwise, they shall be released conditionally only subject to a probationary period.

2) Conditional release from a preventive measure involving deprivation of liberty shall be ordered if it can be assumed, on the basis of the performance and development of the detainee in the institution, his or her person, state of health, previous life and prospects for an honest future, that the dangerousness against which the preventive measure is directed no longer exists.

3) If the lawbreaker is transferred from an institution for mentally abnormal lawbreakers or from an institution for lawbreakers in need of weaning

is conditionally or unconditionally released before the expiry of the term of sentence, the last sentence of section 24(1) shall apply.

4) The decision that the transfer of the lawbreaker to the institution for dangerous recidivists is no longer necessary (section 24(2)) is equivalent to a conditional release from the institution for dangerous recidivists.

§ 48

Sample times

1) The probationary period for conditional release from a custodial sentence shall be at least one year and not more than three years. If the continuation of treatment within the meaning of section 51(3), to which the offender has agreed, proves necessary in order to justify conditional release (section 46(4)), the probationary period shall be not less than one and not more than five years. If the conditional release exceeds three years or if the conditional release is from a custodial sentence for a criminal offense against sexual self-determination or other sex-related offenses of more than one year, the probationary period shall be five years. In the case of conditional release from a life sentence, the probationary period shall be ten years.

2) The probationary period for release from an institution for mentally abnormal offenders and from an institution for dangerous recidivists is ten years, but if the criminal act on which the placement is based is not punishable by a sentence more severe than ten years' imprisonment, only five years. In the case of release from an institution for lawbreakers in need of weaning, the probationary period is to be determined as at least one and at most five years.48

3) If the conditional leniency of the sentence or the conditional release from a preventive measure involving deprivation of liberty is not revoked, it shall be declared final. Time limits, the running of which begins as soon as the sentence has been executed or the preventive measure has been carried out, shall in such a case be calculated from the conditional release from the sentence or from the preventive measure.

§ 49

Calculation of the trial periods

The probationary period shall commence when the decision granting conditional leniency (sections 43 to 45) or conditional dismissal (sections 46 and

47) has been pronounced. Periods during which the convicted person has been stopped by order of the authorities shall not be included in the probationary period.

§ 50

Issuance of instructions and order of probationary services

1) If the sentence or the preventive measure involving deprivation of liberty is conditionally imposed on an offender or if he is conditionally released from a custodial sentence or a preventive measure involving deprivation of liberty, the court shall give him instructions or order probation assistance to the extent that this is necessary or expedient in order to prevent the offender from committing further acts punishable by law. The same shall apply if the pronouncement of the sentence is reserved for a probationary period (section 8 of the Juvenile Courts Act) or the initiation of the execution of a custodial sentence imposed for an act committed before the offender reached the age of twenty-one is postponed for a period of more than three months in accordance with Article 6(1)(b) of the Penal Execution Act or section 33 of the Juvenile Courts Act.

2) Probation assistance shall always be ordered when a convicted person is

1. before serving two-thirds of a term of imprisonment (Section 46(1)),

2. from a custodial sentence for an act committed before the age of twenty-one,

3. from a custodial sentence for a criminal offense against sexual self-determination or other sex-related offenses,

4. from a prison sentence of more than five years or

5. from life imprisonment

is released on parole. In the cases referred to in items 1 and 2, the order for probation assistance shall be dispensed with only if it can be assumed from the nature of the offence, the person of the offender and his development that he will not commit any further criminal offences even without such an order.

2a) Probation assistance shall not be ordered if it is deemed inappropriate from the outset on account of the place of residence of the convicted person.

3) Instructions as well as the order of probation assistance shall apply for the duration of the period determined by the court, but at most until the end of the probationary period, insofar as they are not revoked or rendered irrelevant before that time. In the case of subsection 2 para. 4, probation assistance shall be provided at least for the first year and in the case of subsection 2 para.

5 to be ordered for at least the first three years after discharge.

§ 51

Instructions

1) Instructions may be commands and prohibitions, the observance of which appears to be suitable to prevent the offender from committing further punishable acts. Instructions that would represent an unreasonable encroachment on the personal rights or lifestyle of the lawbreaker are not permissible.

2) In particular, the offender may be ordered to reside in a certain place, with a certain family or in a certain home, to avoid a certain dwelling, certain places or certain intercourse, to abstain from alcoholic beverages, to learn or pursue a suitable occupation that corresponds as closely as possible to his knowledge, abilities and inclinations, to report any change in his place of residence or employment, and to report to the court or other authority at certain intervals. The offender may also be ordered to make good to the best of his or her ability the damage caused by his or her crime if this has an influence on the need to enforce the sentence in order to prevent the commission of criminal acts by others.

3) With his consent, the offender may also be instructed to undergo withdrawal treatment, psychotherapeutic treatment or other medical treatment under the conditions set forth in subsection 1. However, the instruction to undergo medical treatment involving an operative intervention may not be given even with the consent of the lawbreaker.

4) During the probationary period, the court shall also issue instructions subsequently or amend or revoke instructions issued to the extent that this appears to be required under section 50.

§ 52

Probation

1) If the court orders probation assistance, the head of the office shall appoint a probation officer for the offender and inform the court thereof. The probation officer shall endeavor, in word and deed, to help the offender to adopt a lifestyle and attitude that may prevent him from committing punishable acts in the future. To the extent necessary, the probation officer shall support the offender in an appropriate manner in his or her efforts to meet essential needs, in particular

To find accommodation and work.

2) The probation officer shall report to the court on his or her activities and perceptions,52

1. To the extent required by the court or necessary or appropriate to achieve the purpose of the probation service,53

2. If there is cause to revoke probation,54

3. but in any case six months after the probation order and upon its termination,55

4. during judicial supervision (Section 52a(2)).56

3) During the probationary period, the court shall also order probation assistance subsequently or revoke it insofar as this appears necessary in accordance with section 50. In the cases referred to in section 50(2)(1) to (4), a decision shall be taken at any rate after the expiry of one year from the date of release, after obtaining a report from the probation officer and a statement from the head of the competent probation office, as to whether it is still necessary or expedient to order probation assistance.57

§ 52a

Court supervision of sex offenders and sexually motivated violent offenders

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

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

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

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

2) During the period of judicial supervision, the court shall monitor the conduct of the offender and the fulfillment of the instructions with the assistance of the probation service, and in appropriate cases with the assistance of the state police, the children's and youth welfare services, and the youth welfare services.

or other suitable institutions. The agencies entrusted with supervision shall report to the court on the measures they have taken and their perceptions. The probation officer shall report to the court when judicial supervision is ordered, if the court so requires or if it is necessary or expedient to do so, but in any event at least every three months during the first half of judicial supervision and at least every six months during the second half.

§ 53

Revocation of conditional parole and conditional release from a custodial sentence

1) If the offender is convicted of a criminal offence committed during the probationary period, the court shall revoke the conditional leniency or conditional release from a custodial sentence and execute the sentence, the part of the sentence or the remainder of the sentence if, in view of the new conviction, this appears to be necessary in addition to the latter in order to prevent the offender from committing further criminal offences. In the case of revocation of a conditional release from a life sentence, the remaining period of the sentence shall be equivalent to a ten-year term of imprisonment with regard to the time requirements for a renewed conditional release. A criminal act committed by the offender in the period between the decision of the first instance and the final decision on the granting of conditional leniency or conditional release or during an administrative detention not to be included in the probationary period (Section 49) shall be deemed equivalent to a criminal act committed during the probationary period.

2) If the lawbreaker wilfully fails to comply with an instruction during the period specified by the court despite a formal warning or persistently evades the influence of the probation officer, the court shall revoke the conditional leniency or the conditional release and have the sentence or the rest of the sentence executed if this appears necessary under the circumstances to deter the lawbreaker from committing criminal acts. Paragraph 1 sentence 2 shall apply mutatis mutandis.60

3) If, in the cases referred to in paras. 1 and 2, the conditional parole or release is not revoked, the court may extend the probationary period, if it was shorter, up to a maximum of five years; in the case of conditional release from a life sentence, the court may extend the probationary period up to a maximum of five-ten years. At the same time, it must examine whether and which new instructions are to be issued and whether, if this has not yet been done, a probation officer is to be appointed.61

4) If, towards the end of the original or extended probationary period following conditional release from a life sentence or from a term of imprisonment of more than five years for a criminal offence against sexual self-determination or other sex-related offences, there are otherwise special grounds for believing that further testing of the lawbreaker is required, the court may extend the probationary period by a maximum of three years. A repeated extension is permissible.62

§ 54

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

1) The conditional indulgence of placement in an institution for mentally abnormal offenders or for offenders in need of weaning and the conditional release from one of the institutions specified in sections 21 to 23 shall be revoked under the conditions specified in section 53 if the circumstances specified therein show that the dangerousness against which the preventive measure is directed still exists.

2) If, in the case referred to in subsection 1, the conditional indulgence of placement in or conditional release from an institution referred to in section 21 is not revoked, the court may extend the probationary period up to a maximum of fifteen years. If the probationary period is only five years, the court may extend it to a maximum of ten years. At the same time it shall consider,

whether and which new instructions are to be issued and whether, if this has not yet been done, a probation officer is to be appointed.

3) If, towards the end of the original or extended probationary period, there are special grounds for believing that the threat of placement is still required to prevent the dangerousness against which the preventive measure is directed, the court may extend the probationary period by a maximum of three years. A repeated extension is permissible.

4) If, in the case of conditional indulgence of placement in or conditional release from an institution pursuant to section 21 para. 1, the offender has been ordered to undergo medical treatment and if there is reason to believe that the offender will not comply with the order and that inpatient treatment will therefore be required to prevent the dangerousness that was the subject of the preventive measure, the court shall notify the provincial police, which shall temporarily detain the person concerned and bring him before the public health officer. The court shall be informed of the measures subsequently taken.

5) If, however, in the event of a conditional release from one of the positions listed in the

§§ If a preventive measure is newly ordered in an institution designated in sections 21 to 23 on account of an act punishable by a penalty committed during the probationary period (section 53(1)), the previous order for this measure shall become invalid.

6) The conditional release from an institution for wean- ing lawbreakers shall not be revoked if the continuation of the treatment seems hopeless from the outset.

§ 55

Revocation in case of subsequent conviction

1) Conditional leniency of a sentence, of a part of a sentence and of placement in an institution for weanable lawbreakers shall be revoked if a subsequent conviction pursuant to section 31 occurs and conditional leniency would not have been granted in the case of joint sentencing.

2) If the sentence, a part of the sentence, or placement in an institution for lawbreakers in need of rehabilitation was conditionally suspended at the time of the subsequent conviction, such suspension shall be revoked if it would not have been granted if the sentence had been imposed at the same time and the conviction had not been suspended.

which would have had to be taken into account pursuant to § 31, was not on file.65

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

§ 56

Revocation periods

The court may make the orders provided for in sections 53 to 55 only during the probationary period, but in respect of a criminal offence committed during that period also within six months of the expiry of the probationary period or of the termination of criminal proceedings pending against the offender at the time of its expiry.

6. Section

Limitation

§ 57

Limitation of criminal liability

1) Criminal acts punishable by imprisonment for a term of ten to twenty years or by life imprisonment, as well as criminal acts under Section 25, shall not be subject to the statute of limitations. However, after the expiration of a period of twenty years, a term of imprisonment of ten to twenty years shall replace the threatened life imprisonment. Subsection 2 and Section 58 shall apply mutatis mutandis to the time limit.

2) The punishability of other acts expires by limitation. The limitation period begins as soon as the activity subject to punishment is completed or the conduct subject to punishment ceases.

3) The limitation period is twenty years,

if the act is punishable by imprisonment for a term of ten to twenty years or

punishable by life imprisonment or if, although not punishable by life imprisonment, it is punishable by more than ten years' imprisonment;

ten years,

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

five years,

if the act is punishable by imprisonment for a term exceeding one year but not exceeding five years;

three years,

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

one year,

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

4) With the onset of the statute of limitations, forfeiture and preventive measures also become inadmissible.

§ 58

Extension of the limitation period

1) If a success belonging to the offense occurs only after the activity punishable by the penalty has been completed or the conduct punishable by the penalty has ceased, the period of limitation shall not end until it has either also expired from the occurrence of the success or until one and a half times, but not less than three years, have elapsed since the time specified in § 57, para. 2.

2) If, during the limitation period, the offender again commits a punishable act based on the same harmful tendency, the limitation period shall not begin to run until the limitation period for this act has also expired.

3) The limitation period does not include:

1. the period during which, in accordance with a statutory provision, the prosecution may not be initiated or continued, unless otherwise provided for in subsection 4;

2. the time during which criminal proceedings against the offender are pending in court;

3. the period until the victim of a criminal offense against life and limb, against freedom, against sexual self-determination or another sex-related offense reaches the age of 28, if the victim was a minor at the time of the commission of the offense.

3a) A suspension of the statute of limitations that has occurred in accordance with the preceding paragraphs shall remain effective even if a subsequent change in the

law, the act would already have been statute-barred at the time of the suspension under the new law.

4) If the act is prosecuted only on demand, at the request of or with the authorization of a person entitled to do so, the running of the limitation period shall not be suspended by the fact that the prosecution is not demanded or requested or the authorization is not granted.

§ 59

Limitation of enforceability

1) There shall be no statute of limitations on the enforceability of a sentence of life imprisonment, a sentence of imprisonment of more than ten years, a sentence imposed for a criminal offense under the 25th section, and placement in an institution for mentally abnormal lawbreakers or for dangerous recidivists.

2) The enforceability of other penalties, forfeiture and preventive measures expires by limitation. The period of limitation begins with the legal force of the decision in which the penalty, the forfeiture or the preventive measure was recognized.71

3) The period is fifteen years,

if a custodial sentence of more than one year but not more than ten years

has been imposed;

ten years,

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

five years,

in all other cases.

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

§ 60

Extension of the period for the limitation of execution

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

2) The limitation period does not include:

1. the probationary period in the case of conditional leniency of sentence or placement in an institution for lawbreakers in need of weaning or in the case of conditional release;

2. Periods during which the convicted person has been granted a deferment of the execution of a custodial sentence, unless due to unfitness for execution, or of the payment of a fine;

3. Periods during which the convicted person has been stopped by order of the authorities;

4. Periods during which the convicted person was abroad.

3) The execution of the custodial sentence or the preventive measure involving deprivation of liberty interrupts the limitation period. If the interruption ceases without the convicted person's final release, the limitation period begins to run anew without prejudice to the provisions of para. 2.

7. Section

Scope

§ 61

Temporal validity

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 were not more favorable to the offender in their overall effect.

§ 62

Criminal acts within the country

Liechtenstein criminal laws apply to all acts committed in Liechtenstein.

§ 63

Criminal acts on board Liechtenstein ships or aircraft

Liechtenstein criminal laws also apply to acts committed on a Liechtenstein ship or aircraft, regardless of where it is located.

§ 64

Criminal acts committed abroad, punishable without regard to the laws of the place where the act was committed

1) e Liechtenstein criminal laws apply to the following acts committed abroad, irrespective of the criminal laws of the place where the act was committed:

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

2. punishable acts committed by a person against a Liechtenstein official (§ 74, para. 1, item 4), a Liechtenstein public officer (§ 74, para. 1, item 4a) or a Liechtenstein arbitrator (§ 74, para. 1, item 4b) during or because of the performance of his duties and committed by a person as a Liechtenstein official, Liechtenstein public officer or Liechtenstein arbitrator;75

2a. except in the case of item 2, criminal breaches of official duty, corruption and related criminal acts (sections 302 to 309), if

a) the perpetrator was a Liechtenstein citizen at the time of the crime or

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

3. The testimony of a witness in court (§ 288) and testimony given under oath or

Oath affirmed false evidentiary testimony before an administrative

authority (§ 289) in proceedings pending before a Liechtenstein court or administrative authority;

4. The crimes of forgery of a trade or business secret (Section 122), of a trade or business secret (Section 123), of a trade or business secret for the benefit of a foreign country (Section 124), of forgery of money (Section 232), of forgery of specially protected securities punishable under Section 232 (Section 237), of the preparation of forgery of money, securities or stamps (Section 239), of criminal organization (Section 278a) and of crimes against the provisions of the Narcotics Act (Section 278a), preparation of counterfeiting of money, securities or stamps (§ 239), criminal organization (§ 278a) and crimes against the provisions of the Narcotics Law, if Liechtenstein interests have been violated by the act or if the offender cannot be extradited;

4a. Genital mutilation as defined in § 90 para. 3, extortionate kidnapping (§ 102), delivery to a foreign power (§ 103), slave trade (§ 104), trafficking in human beings (§ 104a), aggravated coercion under § 106 para. 1 item 3, forced marriage (§ 106a), prohibited placement for adoption (§ 193a), rape (§ 200), sexual coercion (§ 201), sexual molestation towards minors under § 203 para. 2, sexual abuse of a defenseless or mentally impaired person (§ 204), severe sexual abuse of minors (§ 205), sexual abuse of minors (§ 206), moral endangerment of minors or juveniles (§ 207), sexual abuse of minors (§ 208), initiation of sexual con- tacts with minors (§ 209), indecent influence on minors (§ 209a), abuse of a relationship of authority under § 212 para. 1, brokering of sexual contacts with minors (§ 214), promotion of prostitution and pornographic performances of minors (§ 215a), cross-border trade in prostitution (§ 217), and pornographic depictions of minors (§ 219), if

a) the perpetrator or the victim is a Liechtenstein national or has his or her domicile or habitual residence in Liechtenstein,

b) other Liechtenstein interests have been violated by the act, or

c) Perpetrator was a foreigner at the time of the crime, is in Liechtenstein and cannot be extradited;

4b. Manufacture and proliferation of weapons of mass destruction (§ 177a), if the perpetrator is a Liechtenstein national, but with respect to the development of nuclear or radiological weapons only insofar as the act is not committed on behalf or under the responsibility of a

Party to the Treaty on the Non-Proliferation of Nuclear Weapons, LGBl. 1978 No. 15, which is a nuclear-weapon state, has been committed;

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

a) the perpetrator or the victim is a Liechtenstein national,

b) other Liechtenstein interests have been violated by the act, or

c) the perpetrator was a foreigner at the time of the offense and either has his habitual residence in Liechtenstein or is in Liechtenstein and cannot be extradited;

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

a) the criminal act is directed against a Liechtenstein aircraft,

b) the aircraft lands in the Principality of Liechtenstein and the perpetrator is still on board,

c) the aircraft is leased without crew to someone who has his place of business or, in the absence of such a place of business, his habitual residence in the Principality of Liechtenstein; or

d) the perpetrator is in the Principality of Liechtenstein and is not extradited;

6. The Principality of Liechtenstein is obligated to prosecute all criminal acts, even if committed abroad, irrespective of the criminal laws of the place where the act was committed;

7. riminal acts committed by a Liechtenstein national against another Liechtenstein national if both have their domicile or habitual residence in Liechtenstein;

8. fgehoben

9. ligence (§ 12) in a criminal act committed by the direct perpetrator within the country, as well as receiving stolen property (§ 164) and money laundering (§ 165) in relation to a (prior) act committed within the country;

10. orist organization (§ 278b) and terrorist offenses (§ 278c) as well as related offenses under §§ 128 to 131, 144 and 145 as well as 223 and 224, furthermore terrorist financing (§ 278d), training for terrorist purposes (§ 278e), instruction for the commission of a terrorist offense (§ 278f), travel for

terrorist purposes (§ 278g) and criminal acts committed in connection therewith pursuant to §§ 223 and 224 as well as incitement to commit terrorist criminal acts and approval of terrorist criminal acts (§ 282a), if

a) the offender was a Liechtenstein citizen at the time of the offence or if he acquired Liechtenstein citizenship later and still holds it at the time of the initiation of the criminal proceedings,

b) the offender was or is domiciled or habitually resident in Germany at the time of the offense or the initiation of criminal proceedings,

c) e act was committed for the benefit of a legal entity domiciled in Liechtenstein,

d) e act has been committed against the Reigning Prince, the Parliament, the Government, a court or any other authority, or against the population of the Principality of Liechtenstein,

e) Perpetrator was a foreigner at the time of the crime, is in Liechtenstein and cannot be extradited;

11. upscale

2) If the criminal laws mentioned in para. 1 cannot be applied merely because the act constitutes an act punishable by a more severe penalty, 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 was committed.

§ 65

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

1) For acts other than those referred to in §§ 63 and 64 that have been committed abroad, the Liechtenstein criminal laws shall apply insofar as the acts are also punishable by the laws of the place where the acts were committed:

1. if the offender was a Liechtenstein citizen at the time of the offence or if he acquired Liechtenstein citizenship later and still holds it at the time of the institution of criminal proceedings;

2. if the offender was a foreigner at the time of the offense, entered within the country and cannot be extradited to a foreign country for a reason other than the nature or character of his offense.

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

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

4) However, criminal liability does not apply:

1. if the criminal liability of the act has expired according to the laws of the place where the act was committed;

2. if the perpetrator has been acquitted by a court of law in the state in which the act was committed or has otherwise been set free from prosecution;

3. if the offender has been finally convicted by a foreign court and the sentence has been fully executed or, to the extent that it has not been executed, has been remitted or its enforceability has become statute-barred under the foreign law;

4. as long as the execution of the sentence imposed by the foreign court is suspended in whole or in part.

5) Preventive measures provided for by Liechtenstein law shall be ordered against a Liechtenstein national even if he or she cannot be punished domestically for one of the reasons set forth in the preceding paragraph, if the requirements for such measures are met.

§ 65a

Expanded scope of forfeiture and confiscation for foreign offenses

Forfeiture and confiscation shall also affect assets and property located in Liechtenstein with respect to acts which are also punishable by the laws of the place of the offence, but which are not subject to Liechtenstein criminal laws under sections 62 to 65.

§ 66

Crediting of penalties suffered abroad

If the offender has already served a sentence abroad for the act for which he is being punished in Austria, it shall be credited against the sentence imposed in Austria.

§ 67

Time and place of the crime

1) The offender has committed a punishable act at the time when he acted or should have acted; the time when the success occurs is not decisive.

2) The perpetrator has committed an act punishable by law at any place where he has acted or should have acted or where a result corresponding to the crime has occurred in whole or in part or should have occurred according to the perpetrator's conception.

8. Section

Definitions

§ 68

Time calculation

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

§ 69

Public inspection

An act is only committed in public if it can be perceived directly by a larger group of people.

§ 70

Professional crime

A person commits an offense on a commercial basis if he or she does so with the intention of obtaining a continuous income by committing the offense on a recurring basis.

§ 71

Harmful inclination

Actions punishable by law shall be based on the same harmful tendency if they are directed against the same legal interest or are based on similar reprehensible reasons or the same character defect.

§ 72

Relatives

1) A person's relatives are his or her relatives and in-laws in the direct line, his or her spouse or registered partner and the siblings of the spouse or registered partner, his or her siblings and their spouses or registered partners, children and grandchildren, the siblings of his or her parents and grandparents, his or her cousins, the father or mother of his or her child, his or her adoptive and foster parents, his or her adoptive and foster children, the guardians of minors and his or her wards.

2) Persons living together in de facto cohabitation are treated as relatives, children and grandchildren of one of them are treated as relatives also of the other.

§ 73

Foreign convictions

Unless the law expressly refers to a conviction by a domestic court, foreign convictions shall be deemed equivalent to domestic convictions if they find the offender guilty of an act which is also punishable by a court under the law of the Principality of Liechtenstein, and if they were handed down in proceedings in accordance with the principles of Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

§ 74

Other definitions

1) For the purposes of this Act:

1. underage: anyone who has not yet reached the age of fourteen;

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

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

4. Civil servant: anyone who is appointed to perform legal acts in the name of the Land, an association of municipalities, a municipality or another person under public law, with the exception of a church or religious community, as its organ, either alone or jointly with another, or is otherwise entrusted with tasks of Land or municipal administration; a civil servant is also deemed to be anyone who, under another law or on the basis of an intergovernmental agreement, is treated in the same way as a Liechtenstein civil servant when employed in Liechtenstein;

4a. Officer: anyone who

a) performs legislative, administrative or judicial duties for the state, an association of municipalities, a municipality, another person under public law, with the exception of a church or religious community, for another state or for an international organization as its body or employee,

b) is otherwise authorized on behalf of the entities referred to in subparagraph (a) to perform official acts in execution of the law, or

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

4b. Arbitrator: any decision-maker of an arbitral tribunal within the meaning of §§ 603 ff. ZPO with domicile in Germany or domicile not yet determined (Liechtenstein

Arbitrator) or based abroad;

5. dangerous threat: a threat of injury to body, liberty, honor, property or the most personal sphere of life by making accessible, disclosing or publishing facts or images, which is capable of instilling justified fear in the threatened person with regard to the circumstances and his personal condition or the importance of the threatened evil, without distinction as to whether the threatened evil is against the threatened person or not.

himself, against his relatives or against other persons placed under his protection or persons close to him personally;

6. Consideration: any consideration amenable to valuation in money, even if it is intended to benefit a person other than the person to whom it is offered or given;

7. Deed: a document that has been drawn up to establish, amend or revoke a right or a legal relationship or to prove a fact of legal significance;

8. Computer system: both individual and interconnected devices used for automation-assisted data processing;

9. Non-cash means of payment: any personal or transferable physical means of payment that identifies the issuer, is protected against counterfeiting or misuse by coding, design or signature, and has a cash-representing function in legal transactions or serves to issue cash;

10. Critical infrastructure: facilities, installations, systems or parts thereof that are essential for the maintenance of public safety, national defense or the protection of the civilian population against the dangers of war, the functioning of public information and communication technology, the prevention of or response to disasters, public health services, the public supply of water, energy and essential goods, public waste disposal and sewage systems or public transport.

1a) For the purposes of this Act, data means both personal and non-personal data and programs.

2) If a provision is based on the concept of thing or property, it shall apply mutatis mutandis to animals.

3) Executive employees are employees of a company on whose

The term "management" is to be understood as meaning that they have a significant influence on the management of the company. They are equivalent to managing directors, members of the management board or board of directors and authorized signatories.102

9. Section Responsibility of Legal Entities

§ 74a

Responsibility

1) Legal entities, unless they are acting in execution of the law, shall be liable for misdemeanors and felonies unlawfully and culpably committed in the course of business activities within the scope of the legal entity's purpose (incidental acts) by persons acting as such.

2) Legal entities are

1. legal entities entered in the Commercial Register as well as legal entities that have neither their registered office nor a place of business or establishment in Germany, provided that they would have to be entered in the Commercial Register under domestic law, and

2. foundations and associations not entered in the Commercial Register and foundations and associations that have neither their registered office nor a place of operation or establishment in Germany.

3) A manager is a person who

1. is authorized to represent the legal entity externally,

2. exercises control powers in a managerial position or

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

4) The legal entity shall only be liable for inciting acts committed by employees of the legal entity, although not culpably, if the commission of the act was made possible or substantially facilitated by the fact that management persons within the meaning of para. 3 failed to take the necessary and reasonable measures to prevent such inciting acts.

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

§ 74b

Association fine

1) If a legal person is responsible for an offense, it shall be subject to a fine imposed by the association.

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

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

if the act is punishable by life imprisonment or imprisonment for a term not

exceeding twenty years;

155,

if the act is punishable by imprisonment for a term not exceeding

fifteen years; 130,

if the act is punishable by imprisonment for a term not

exceeding ten years; 100,

if the act is punishable by imprisonment for a term not

exceeding five years; 85,

if the act is punishable by imprisonment for a term not

exceeding three years; 70,

if the act is punishable by imprisonment for a term of up to two

years, 55,

if the act is punishable by imprisonment for a term of up to one

year; 40,

in all other cases.

4) The daily rate is to be assessed according to the earnings situation of the legal entity, taking into account its other economic performance. It shall be fixed at an amount equal to or not more than one-third of the 360th part of the annual income, but not less than 100 francs and not more than 15,000 francs. If the legal entity serves charitable, humanitarian or ecclesiastical purposes or is otherwise not profit-oriented, the daily rate shall be set at a minimum of 4 and a maximum of 1,000 francs.

5) The number of daily sentences is determined by the severity and consequences of the offense and the severity of the organizational deficiency. Moreover

the conduct of the legal person after the act shall be taken into account, in particular whether it has remedied the consequences of the act.

§ 74c

Conditional leniency and instructions

1) If the legal person is sentenced to a fine, the fine shall be conditionally suspended for a probationary period of not less than one and not more than three years and, if necessary, with the issuance of instructions (subsection 3), if it can be assumed that this will be sufficient to deter the commission of further acts for which the legal person is responsible (section 74a) and the enforcement of the fine is not necessary to prevent the commission of acts in the course of the activities of other legal persons. In particular, the nature of the act, the weight of the organizational deficiency, previous convictions of the legal person, the reliability of the persons in charge and the measures taken by the legal person after the act shall be taken into account.

2) If a legal person is sentenced to a fine imposed by the association and if the requirements of para. 1 apply to a part of the fine imposed by the association, such part, but not less than one third and not more than five sixths, shall be subject to a conditional rehabilitation, subject to a probationary period of not less than one and not more than three years and, if necessary, subject to the issuance of instructions (para. 3).

3) If the fine imposed on a legal person is conditionally reduced in whole or in part, the court may order the legal person to take technical, organizational or personnel measures to prevent the commission of further offences for which the legal person is responsible. In any case, the legal person shall be ordered by way of instruction to make good to the best of its ability the damage caused by the offence, insofar as this has not yet been done.

§ 74d

Legal succession

1) If the rights and liabilities of the legal person are transferred to another legal person by way of universal succession, the legal consequences provided for under this Act or the Code of Criminal Procedure shall affect the legal successor. Legal consequences imposed on the legal predecessor shall also affect the legal successor.

2) Universal succession shall be deemed equivalent to singular succession if essentially the same ownership relationships exist in the legal entity and the business or activity is essentially continued.

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

§ 74e

Domestic jurisdiction

If the law makes the application of Liechtenstein criminal laws to acts committed abroad dependent on the domicile or residence of the perpetrator in Liechtenstein or on his Liechtenstein nationality, the domicile or place of business or establishment shall be decisive for legal persons.

§ 74f

Limitation of enforceability

The period of limitation of the enforceability of the fine imposed by the Association shall be ten years.

§ 74g

Application of the general criminal laws

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

2) If a legal person is sentenced to an association fine, the statutory provisions on the joint and several liability of legal persons for fines and costs shall not apply.

Special part

1. Section

Criminal acts against life and limb

§ 75

Murder

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

§ 76

Manslaughter

Whoever, in a generally comprehensible violent emotion, is induced to kill another person, shall be punished by imprisonment for a term of five to ten years.

§ 77

Killing on demand

A person who kills another at his serious and insistent request shall be punished by imprisonment for a term of six months to five years.

§ 78

Participation in suicide

A person who, for reprehensible motives, induces another to kill himself or herself, or assists him or her to do so, shall be punished by imprisonment for a term of six months to five years.

§ 79

Killing a child at birth

A mother who kills the child during birth or while she is still under the influence of the birth process shall be punished by imprisonment for a term of six months to five years.

§ 80

Negligent homicide

1) A person who negligently causes the death of another shall be punished by imprisonment for not more than one year or by a fine of not more than 720 daily penalty units.

2) If the act results in the death of more than one person, the offender shall be punished by imprisonment of up to two years.

§ 81

Grossly negligent homicide

1) Any person who causes the death of another by gross negligence (Section 6(3)) shall be liable to a custodial sentence not exceeding three years.

2) Likewise, a person shall be punished who negligently causes the death of a person after he has, prior to the act, put himself, even if only negligently, into a state of intoxication not precluding sanity by the consumption of alcohol or the use of another intoxicating agent, although he foresaw or could have foreseen that he was about to engage in an activity the preliminary effects of which would have been fatal.

The person concerned must be in a position to cause or increase a danger to the life, health or physical safety of another person in this state.

3) Any person who causes the death of a large number of people through gross negligence (Section 6(3)) or in the case referred to in subsection (2) shall be liable to a custodial sentence of six months to five years.

§ 82

Suspension

1) A person who endangers the life of another by placing him in a helpless situation and abandoning him in this situation shall be punished by imprisonment for a term of six months to five years.

2) Likewise, anyone who endangers the life of another who is under his care or whom he is otherwise obliged to assist (§ 2) by abandoning him in a helpless situation shall be punished.

3) If the act results in the death of the endangered person, the offender shall be punished by imprisonment for a term of one to ten years.

§ 83

Assault

1) A person who injures another person's body or harms another person's health shall be liable to a custodial sentence not exceeding one year or to a monetary penalty not exceeding 720 daily penalty units.

2) Likewise, anyone who mistreats another's body and thereby negligently injures or damages another's health shall be punished.

§ 84

Serious bodily injury

1) A person who abuses another's body and thereby negligently inflicts injury to health or incapacity to work lasting longer than twenty-four days or injury or damage to health that is serious in itself shall be punished by imprisonment for not more than three years.

2) Likewise, any person who commits bodily injury (section 83(1) or

2) commits against an official, witness or expert during or because of the execution of his duties or the performance of his duties.

3) Likewise, the offender shall be punished if he commits at least three independent acts (section 83(1) or (2)) without reasonable cause and using considerable

Violence committed.

4) A person who causes bodily injury or damage to the health of another person and thereby, even if only negligently, causes serious bodily injury or damage to the health (para. 1) of the other person shall be punished by imprisonment for a term of six months to five years.

5) A person who commits bodily injury (section 83(1) or (2)) shall also

be punished for the following

1. in a way that involves danger to life,

2. with at least two persons in arranged connection or

3. with the infliction of special torments.

§ 85

Bodily injury with serious permanent consequences

1) Whoever abuses another's body and thereby negligently causes him or her to be permanently or for a long time

1. the loss of or severe damage to speech, vision, hearing, or reproductive ability,

2. a significant mutilation or a conspicuous disfigurement, or

3. a serious illness, infirmity or occupational disability of the injured party,

is punishable by a term of imprisonment of six months to five years.

2) Any person who causes bodily injury or damage to the health of another person and thereby causes, even if only negligently, serious permanent consequences (para. 1) to the injured person shall be punished by imprisonment for a term of one to ten years.

§ 86

Bodily injury with fatal outcome

1) A person who abuses another's body and thereby negligently causes another's death shall be punished by imprisonment for a term of one to ten years.

2) A person who causes bodily injury or damage to the health of another and thereby negligently causes that person's death shall be liable to imprisonment for a term of one to fifteen years.

§ 87

Intentional grievous bodily harm

1) Any person who intentionally inflicts serious bodily injury (Section 84(1)) on another shall be liable to a custodial sentence of from one to ten years.

2) If the act results in a serious permanent consequence (Section 85), the offender shall be punished with a term of imprisonment of one to fifteen years; if the act results in the death of the injured party, the offender shall be punished with a term of imprisonment of five to fifteen years.

§ 88

Negligent bodily injury

1) Any person who negligently causes bodily injury or damage to the health of another shall be liable to a custodial sentence not exceeding three months or to a monetary penalty not exceeding 180 daily penalty units.

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

1. the injured person is related to the perpetrator in ascending or descending line or is his spouse, registered partner, brother or sister or treated as a relative of the perpetrator pursuant to section 72(2),

2. no damage to the health or occupational disability of another person of more than fourteen days' duration results from the act, or

3. the perpetrator is a member of a health profession regulated by law and the bodily injury was inflicted in the exercise of his profession,

the perpetrator shall not be punished under subsection 1.

3) Any person who causes bodily injury or damage to the health of another person through gross negligence (Section 6(3)) or in the case referred to in Section 81(2) shall be liable to a custodial sentence not exceeding six months or to a monetary penalty not exceeding 360 daily penalty units.

4) If the act under subsection 1 results in grievous bodily harm (section 84(1)), the offender shall be liable to a custodial sentence not exceeding six months or to a monetary penalty not exceeding 360 daily penalty units. If the act under subsection 3 results in grievous bodily harm (section 84(1)), the offender shall be liable to a custodial sentence not exceeding two years, but if it results in grievous bodily harm (section 84(1)) to a greater number of persons, the offender shall be liable to a custodial sentence not exceeding three years.

§ 89

Threat to physical safety

Any person who intentionally, through gross negligence (Section 6(3)) or through negligence in the circumstances described in Section 81(2), causes danger to the life, health or physical safety of another shall be liable to a custodial sentence not exceeding three months or to a monetary penalty not exceeding 180 daily penalty

units.

§ 90

Consent of the injured person

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

2) Ste- rilization performed by a physician on a person with the person's consent is not unlawful if either the person has already reached the age of five or twenty or the procedure is not contrary to morality for other reasons.

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

§ 91

Rough trade

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

2) The perpetrator, who cannot be blamed from the participation, is not to be punished.

§ 92

Torturing or neglecting a minor, juvenile or defenseless person

1) Whoever inflicts physical or mental torture on another person under his care or custody who has not yet reached the age of eight or is defenseless due to infirmity, illness or mental disability shall be punished with imprisonment for not more than two years.

2) Likewise, anyone who grossly neglects his or her duty of care or custody towards such a person and thereby, even if only negligently, causes considerable damage to that person's health or physical or mental development shall be punished.

3) If the act results in grievous bodily harm (section 84(1)), the offender shall be liable to a term of imprisonment of up to three years; if it results in bodily harm with serious permanent consequences (section 85), to a term of imprisonment of up to five years; if it results in death

of the injured party, shall be punishable by imprisonment for a term of one to ten years.

§ 93

Overexertion of a minor, juvenile, or person in need of sparing

1) Any person who, out of malice or recklessness, overexerts another person who is dependent on him or is subject to his care or custody and who has not yet reached the age of eighteen or is obviously in need of rest because of his state of health, and thereby, even if only negligently, causes the risk of death or considerable bodily injury or damage to the health of the person overexerted, shall be punished by imprisonment for not more than two years.

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

§ 94

Imprisonment of an injured person

1) Any person who fails to render the necessary assistance to another whose bodily injury (Section 83) he has caused, even if not unlawfully, shall be liable to a custodial sentence not exceeding one year or to a monetary penalty not exceeding 720 daily rates.

2) If the stabbing results in serious bodily injury (Section 84(1)) to the injured person, the offender shall be punished by imprisonment for up to two years, and if it results in his death, by imprisonment for up to three years.

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

4) The perpetrator shall not be punished under subsections (1) and (2) if he is already subject to the same or more severe punishment for the violation.

§ 95

Failure to provide assistance

1) Whoever, in the event of an accident or common danger (§ 176), fails to take the measures necessary to save a person from the danger of death or a

to provide assistance that is clearly necessary in the event of serious bodily injury or damage to health is liable to a custodial sentence not exceeding six months or to a monetary penalty not exceeding 360 daily penalty units if the failure to provide assistance does not cause the injury or damage to health.

death of a person, shall be punished by imprisonment for a term not exceeding one year or by a fine not exceeding 720 daily penalty units, unless it is unreasonable to expect the offender to render assistance.

2) In particular, assistance cannot be expected if it would only be possible at the risk of life or limb or if other significant interests were violated.

2. Abortion section

§ 96

Abortion

1) A person who terminates a pregnancy with the consent of the pregnant woman is liable to a custodial sentence not exceeding one year or to a monetary penalty not exceeding 720 daily penalty units; if he commits the act on a commercial basis, he is liable to a custodial sentence not exceeding three years.

2) If the direct perpetrator is not a physician, he shall be punished by imprisonment for a term of up to three years; if he commits the act on a commercial basis or if it results in the death of the pregnant woman, he shall be punished by imprisonment for a term of six months to five years.

3) A woman who terminates her pregnancy herself or has it terminated by a person who is not a doctor is liable to a custodial sentence not exceeding one year or to a monetary penalty not exceeding 720 daily penalty units.130

4) The act shall not be punishable under subsections (1) and (3) if the termination of pregnancy is

1. is necessary to avert a serious danger to life or serious damage to the health of the pregnant woman that cannot be averted in any other way, or if the pregnant woman was a minor at the time of the impregnation, or if the pregnant woman has been subjected to rape (§ 200), sexual assault (§ 201) or sexual abuse of a defenseless or mentally impaired person (§ 204) and the pregnancy is based on such an act,

and if, furthermore, in all these cases the abortion is performed by a physician or131

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

§ 97

Abortion without consent of the pregnant woman

1) Anyone who terminates the pregnancy without the consent of the pregnant woman is liable to

imprisonment for a term of up to three years; if the act results in the death of the pregnant woman, to imprisonment for a term of six months to five years.

2) The perpetrator shall not be punished under subsection (1) if the abortion is performed to save the pregnant woman from an immediate danger to her life that cannot be averted in any other way under circumstances in which the pregnant woman's consent cannot be obtained in time.

§ 98

Frivolous intervention on a pregnant woman

Any person who, without first having conscientiously satisfied himself that one of the dangers referred to in sections 96(4) and 97(2) really exists, erroneously assumes such a danger and in this assumption terminates the pregnancy or causes the pregnant woman to permit the abortion or otherwise contributes to the commission of an abortion shall, if he is a physician, be liable to imprisonment for not more than one year, but if he is not a physician, to imprisonment for not more than six months or to a fine not exceeding 360 daily penalty units.

§ 98a

Offer to terminate pregnancy and announcement of means for this purpose

Anyone who, with the intention of promoting the termination of pregnancies, publicly offers his own services or those of others, or announces, advertises, exhibits or otherwise makes available means, objects or procedures, is liable to a custodial sentence not exceeding one year or to a monetary penalty not exceeding 360 daily penalty units.

3. Section

Criminal acts against freedom

§ 99

Deprivation of liberty

1) A person who unlawfully detains another or otherwise deprives him of his personal liberty shall be punished by imprisonment for not more than three years.

2) A person who maintains deprivation of liberty for more than one month or commits it in such a manner that it causes the detained person particular distress, or under such circumstances that it is associated with particularly serious disadvantages for him, shall be punished by imprisonment for a term of one to ten years.

§ 100

Abduction of a person without will or defense

A person who kidnaps a person who is mentally ill or in a state incapable of resistance with a view to sexually abusing him or her or subjecting him or her to se- xual acts shall be punished by imprisonment for a term of six months to five years.

§ 101

Abduction of a minor

A person who abducts a minor for the purpose of sexually abusing him or her or causing him or her to engage in sexual acts shall be punished by imprisonment for a term of six months to five years.

§ 102

Blackmail kidnapping

1) Whoever kidnaps another person without his consent by force or after obtaining his consent by dangerous threat or trickery, or otherwise takes possession of him in order to compel a third person to perform an act, acquiesce or submit, shall be punished by imprisonment for a term of ten to twenty years.

2) Also to be punished is anyone who

1. with the intent referred to in subsection 1, abducts or otherwise takes possession of a person who is under age, mentally ill or incapable of resisting because of his or her condition, or

2. taking advantage of a kidnapping or other taking of a person without the intention of coercion, coerces a third party into an act, acquiescence or omission.

3) If the act results in the death of the person who has been abducted or of whom the perpetrator has otherwise taken possession, the perpetrator shall be punished with imprisonment for a term of ten to twenty years or with life imprisonment.

4) If the perpetrator voluntarily allows the person who has been abducted or whom the perpetrator has otherwise taken possession of to return to his or her circle of life without serious harm, renouncing the requested benefit, he or she shall be punished by imprisonment for a term of six months to five years.

§ 103

Delivery to a foreign power

1) Whoever assaults another without the latter's consent by force, or after he has

The person who has obtained consent by dangerous threat or trickery, as well as the person who delivers a person of unsound mind, insane or incapable of resistance because of his condition to a foreign power, shall, if the perpetrator or the person delivered is a Liechtenstein citizen or if the person delivered was in Liechtenstein at the time of the act, be punished with imprisonment for a term of ten to twenty years.

2) If the act does not expose the victim to significant danger, the offender shall be punished by imprisonment for a term of five to ten years.

§ 104

Slave trade

1) Whoever traffics in slaves shall be punished by imprisonment for a term of ten to twenty years.

2) Likewise, anyone who causes another to be enslaved or placed in a position similar to slavery, or who causes another to be placed in slavery or a position similar to slavery, shall be punished.

§ 104a

Human Trafficking

1) Any person who recruits, harbors or otherwise takes in, transports or offers or passes on to another person a person of full age with the intention that he or she will be exploited (subsection 3), using unfair means (subsection 2) against that person, shall be punished by imprisonment for a term of six months to five years.

2) Unfair means are the use of force or dangerous threat, deception about facts, taking advantage of a position of authority, coercion, mental illness or a condition that renders the person defenseless, intimidation and giving or accepting an advantage for handing over dominion over the person.

3) Exploitation includes sexual exploitation, exploitation through the taking of organs, exploitation of labor, exploitation for begging, and exploitation for the commission of punishable acts.

4) Any person who commits the act within the framework of a criminal organization, with the use of serious violence or in such a way that the life of the person is endangered by the act intentionally or through gross negligence (Section 6 (3)) or the act results in a particularly serious disadvantage for the person shall be punished by imprisonment for a term of one to ten years.

5) A term of imprisonment of one to ten years shall also be imposed on any person who commits a

recruits, harbors or otherwise receives, transports or offers or passes on to another person a minor with the intent that he or she will be exploited (para. 3).

§ 105

Coercion

1) Whoever coerces another by force or by dangerous threat to act, acquiesce or omit, shall be punished by imprisonment for not more than one year or by a fine not exceeding 720 daily penalty units.

2) The act is not unlawful if the use of force or threat as a means to the intended end is not contrary to good morals.

§ 106

Severe coercion

1) A person who commits coercion by.

1. threatened with death, significant maiming or conspicuous disfigurement, kidnapping, arson, exposure to nuclear energy, ionizing radiation or explosives, or destruction of economic livelihood or social standing,138

2. the coerced person or another person against whom the violence or dangerous threat is directed is put in an agonizing condition for a longer period of time by these means, or139

3. causes the coerced person to engage in prostitution, to participate in a pornographic performance (Section 215a (3)), to terminate a pregnancy (Section 96), or otherwise to perform, tolerate, or refrain from an act that violates particularly important interests of the coerced person or a third person,140

shall be punishable by imprisonment for a term of six months to five years.

2) If the act results in the suicide or attempted suicide of the coerced person or of another person against whom the violence or dangerous threat is directed, the offender shall be sentenced to imprisonment for a term of one to ten years.

3) Similarly, anyone who commits coercion to engage in prostitution or to participate in a pornographic performance against a minor, within the framework of a criminal organization, using serious violence, or in such a way that the act endangers the life of the person intentionally or through gross negligence (Section 6(3)), or the act results in a particularly serious disadvantage for the person, shall be punished.143

§ 106a

Forced marriage

1) Any person who coerces a person to enter into marriage or a registered partnership by force or by means of a dangerous threat or threat to break off or withdraw family contacts shall be liable to a custodial sentence of six months to five years.

2) Similarly, a person shall be punished who, with intent that a person in a state other than the state of which he or she is a citizen or

in which he or she has his or her habitual residence, forced to marry or to enter into a registered partnership (para. 1), induced by deception about this intention or coerced by force or by dangerous threat or threat of breaking off or withdrawal of family contacts to go to another state, or transported to another state by force or by exploiting his or her error about this intention.

3) § Section 106 (2) shall apply mutatis mutandis.

§ 107

Dangerous threat

1) Whoever dangerously threatens another in order to put him in fear and unrest shall be punished by imprisonment for a term not exceeding one year or by a fine not exceeding 720 daily penalty units.

2) A person who commits a dangerous threat by threatening death, considerable mutilation or striking disfigurement, kidnapping, arson, endangerment by nuclear energy, ionizing radiation or explosives, or destruction of economic livelihood or social position, or by using such means to put the threatened person or another person against whom the violence or dangerous threat is directed in a state of agony for a prolonged period of time, shall be punished by imprisonment of up to three years.146

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

4) Retrieved

§ 107a

Persistent pursuit

1) Whoever persistently persecutes a person unlawfully (para. 2), shall be punished by imprisonment

punishable by up to two years.

2) Persistently persecuting a person who, in a manner likely to unreasonably interfere with his or her conduct of life, for a prolonged period of time continues to

1. visits their spatial proximity,

2. establishes contact with it by means of electronic communication or using any other means of communication or via third parties,

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

4. using its personal data, causes third parties to contact it.150

3) If the act results in the suicide or attempted suicide of the person prosecuted within the meaning of subsection 2, the offender shall be punished by imprisonment for not more than three years.151

§ 107b

Continued use of force

1) A person who continuously uses violence against another person for a longer period of time shall be punished by imprisonment for a term of up to three years.

2) Violence within the meaning of subsection 1 is committed by anyone who abuses another person's body or commits intentional punishable acts against life and limb or against liberty, with the exception of the punishable acts under sections 107a, 108 and 110.

3) The following shall be punished by imprisonment for a term of six months to five years

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

2. by the act establishes comprehensive control over the behavior of the injured person or causes a significant restriction of the autonomous lifestyle of the injured person.

4) Any person who commits an act under subsection (3) in a torturous manner or who repeatedly commits offenses against sexual self-determination and other sex-related offenses in the course of a continued exercise of violence under subsection (3) shall be punished by imprisonment for a term of one to ten years. If an act under subsection (3) results in bodily injury with serious permanent consequences (section 85) or if the violence under subsection (3) is exercised for more than one year, the offender shall be punished with imprisonment for a term of five to fifteen years, but if it results in the death of the injured person, the offender shall be punished with

imprisonment for a term of ten to twenty years.

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

§ 107c

Continued harassment through electronic communication or computer system

1) Whoever, by means of electronic communication or by using a computer system in a manner likely to unreasonably interfere with a person's conduct of life, continues for an extended period of time to

1. a person's honor is perceptibly diminished for a larger number of people, or

2. makes facts or images of the most personal sphere of a person's life perceptible to a larger number of people without that person's consent,

shall be punished by imprisonment for a term not exceeding one year or by a fine not exceeding 720 daily penalty units.

2) If the act results in the suicide or attempted suicide of the person injured within the meaning of subsection 1, the offender shall be punished by imprisonment for not more than three years.

§ 108

Deception

1) Any person who intentionally causes damage to the rights of another by deceiving him or a third party into doing, tolerating or refraining from an act that causes the damage shall be liable to a custodial sentence not exceeding one year or to a monetary penalty not exceeding 720 daily penalty units.

2) The offender shall be prosecuted only with the authorization of the person whose rights have been violated, unless the act was committed by deception of a public official in relation to an official business.

§ 109

Trespass

1) Whoever enters a house, a dwelling place, an enclosed space intended for public service or for the exercise of a profession or trade, or an enclosed space directly belonging to a house, or, in spite of a request by an authorized person to leave without delay, enters therein

shall be punished by imprisonment for a term not exceeding three months or by a fine not exceeding 180 daily penalty units.

2) Any person who by force or threat of force forces entry into an area referred to in subsection (1) or who by force or threat of force resists the request of an authorized person to leave immediately shall be liable to a custodial sentence not exceeding one year or to a monetary penalty not exceeding 720 daily penalty units.

3) If the perpetrator who enters an area referred to in subsection (1) by force or threat of force has in the process either.

1. The intention to use violence against a person or thing located there, or

2. carries a weapon or other means, by himself or herself or with his or her knowledge by another person involved (§ 12), to overcome or prevent a person's resistance, or

3. if the entry of several persons is forced, he shall be punished by imprisonment for a term of up to three years.

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

5) The person who cannot be reproached from participation (par. 4) shall not be punished.

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

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

§ 110

Unauthorized medical treatment

1) Any person who treats another without the latter's consent, albeit in accordance with the rules of medical science, is liable to a custodial sentence not exceeding six months or to a monetary penalty not exceeding 360 daily penalty units.

2) If the perpetrator has not obtained the consent of the treated person on the assumption that the postponement of the treatment would seriously endanger the life or health of the treated person, he shall be punished according to subsection 1 only if the alleged danger did not exist and he could have been aware of it by exercising due care (section 6).

3) The perpetrator shall be prosecuted only at the request of the person treated on his own authority.

4. Section

Criminal acts against honor

§ 111

Slander

1) Any person who, in a manner perceptible to a third party, accuses another of a despicable character or disposition or of dishonorable conduct or of conduct contrary to public morals which is likely to bring him into contempt or to disparage him in public opinion shall be liable to a custodial sentence not exceeding six months or to a monetary penalty not exceeding 360 daily penalty units.

2) Whoever commits the act in a printed work, on the radio or otherwise in such a way that the defamation becomes accessible to a broad public, shall be punished by imprisonment of up to one year or a fine of up to 720 daily rates.

3) The perpetrator shall not be punished if the allegation is proven to be true. In the case of para. 1, the perpetrator shall not be punished even then,

if circumstances are proven from which sufficient reasons have arisen for the perpetrator to believe the allegation to be true.

4) Evidence of truth and good faith shall be admitted only if the offender relies on the truth of the allegation or on his good faith. Evidence of truth and good faith shall not be admissible with respect to facts concerning private or family life or criminal acts that are prosecuted only at the request of a third party. Similarly, evidence of truth and good faith shall not be admissible with respect to facts and allegations that were made or disseminated primarily with the intention of accusing someone of evil.

§ 112

Defamation

1) Any person who, in a manner perceptible to a third party, accuses another of a despicable character or attitude or of dishonorable conduct or of conduct contrary to public morals which is likely to bring him into contempt or to disparage him in public opinion shall, if he knows (Section 5(3)) that the accusation is false, be liable to a custodial sentence not exceeding two years or to a monetary penalty not exceeding 360 daily penalty units.

2) Whoever commits the act in a printed work, on radio or television, or otherwise in a manner whereby the defamation becomes accessible to a wide public, shall be punished by imprisonment for not more than three years or by a fine not exceeding 360 daily penalty units.

§ 113

Accusation of an already dismissed judicially punishable act

Any person who, in a manner perceptible to a third party, accuses another of a criminal offense for which the sentence has already been served or, even if only conditionally, has been suspended or remitted, or for which the pronouncement of a sentence has been waived, shall be punished by imprisonment for not more than three months or by a fine of not more than 180 daily penalty units.

§ 114

Impunity for exercising a right or coercion due to special circumstances

1) If a legal obligation is fulfilled or a right is exercised by an act referred to in § 111, § 112 or § 113, the act shall be justified.

2) A person who is compelled by special circumstances to make an allegation corresponding to section 111, section 112 or section 113 in the form and manner in which it is made shall not be punished unless the allegation is false and the offender could have been aware of it if he had exercised due diligence (section 6).

§ 115

Offense

1) A person who insults, ridicules, physically abuses or threatens to physically abuse another person in a manner that is perceptible to a third party shall be punished, if he is not subject to a more severe penalty under another provision, by imprisonment of up to one month or a fine of up to 60 daily rates.

2) Whoever commits the act referred to in par. 1 publicly or in front of several people is,

if he or she is not subject to a more severe penalty under another provision, to a custodial sentence not exceeding three months or to a monetary penalty not exceeding 180 daily penalty units.

3) An act is committed in front of several people if it is started in the presence of more than two persons different from the perpetrator and the attacked person and they can perceive it.

4) A person who is moved to insult, abuse or threaten to abuse another in a manner that is excusable under the circumstances only because of indignation at the conduct of another is excused if his indignation is generally understandable, especially in view of the time that has elapsed since it was caused.

§ 116

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

Acts under section 111, section 112 or section 115 shall also be punishable if they are directed against Parliament, the Government or another public authority and are committed in public. The provisions of sections 111(3) and (4) and 114 shall also apply to such punishable acts.

§ 117

Entitlement to the charge

1) Offenses against honor shall be prosecuted only at the request of the person whose honor has been violated. However, they shall be prosecuted ex officio if they are directed against the Prince Regnant, the Diet, the Government or another public authority. The authorization of the offended person, the offended Diet or the offended authority shall be obtained for the prosecution.

2) If a criminal act against honor is committed against a civil servant or against a pastor of a church or religious society established within the country during the exercise of his office or ministry, the public prosecutor shall prosecute the perpetrator with the authorization of the injured party and of the body designated for him within the period otherwise open to the injured party for requesting prosecution. The same shall apply if such an act is committed against one of the aforementioned persons in relation to one of their professional acts in a printed work, on radio or television or otherwise in such a way that it becomes accessible to a wide public. The injured party shall be entitled to join the prosecution at any time. If the public

If the public prosecutor does not prosecute such a criminal act or if he withdraws from the prosecution, the injured party shall be entitled to file charges himself. In this case, the time limit for filing charges shall begin as soon as the public prosecutor notifies the injured party that the prosecution or further prosecution has not been initiated.

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

5. Section

Violations of privacy and certain professional secrets

§ 118

Violation of the secrecy of correspondence and suppression of letters

1) Any person who opens a sealed letter or other such document not intended for his knowledge shall be liable to a custodial sentence not exceeding three months or to a monetary penalty not exceeding 180 daily penalty units.

2) A person shall also be punished who, in order to obtain knowledge for himself or another unauthorized person of the contents of a document not intended for his knowledge, is guilty of misconduct,

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

2. uses a technical means to achieve its purpose without opening the seal of the document or container (item 1).

3) It shall also be punishable whoever misappropriates or otherwise suppresses a letter or other document (para. 1) before it has been brought to the attention of the addressee.

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

§ 118a

Unlawful access to a computer system

1) Whoever gains access to a computer system, over which he is not or not alone allowed to dispose, or to a part of such, by overcoming a specific security measure in the computer system with the intention,

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

2. cause disadvantage to another person by using data stored in the system and not intended for him/her, the knowledge of which he/she obtains, or by using the computer system,

shall be punished by imprisonment for a term not exceeding six months or by a fine not exceeding 360 daily penalty units.

2) A person who commits the act in relation to a computer system that is an essential part of the critical infrastructure (Section 74(1)(10)) shall be punished by imprisonment of up to two years.

3) The offender shall be prosecuted only with the authorization of the injured person.

4) A person who commits the act under subsection (1) within the framework of a criminal organization shall be punished by imprisonment for not more than two years, and a person who commits the act under subsection (2) within the framework of a criminal organization shall be punished by imprisonment for not more than three years.

§ 119

Violation of the secrecy of communication

1) Any person who, with the intention of obtaining knowledge for himself or another unauthorized person of a message transmitted by means of an electronic communications network and not intended for him, attaches a device to a communications or data processing system or otherwise makes it ready for reception shall be liable to a custodial sentence not exceeding six months or to a monetary penalty not exceeding 360 daily penalty units.

2) It shall also be punishable whoever uses a device attached to a communication or data processing system or otherwise made ready to receive data with the intention specified in para. 1.

3) The offender shall be prosecuted only with the authorization of the injured person.

§ 119a

Abusive interception of data

1) Whoever, with the intention of obtaining knowledge for himself or another unauthorized person of data transmitted by means of a computer system and not intended for him, and by using the data himself, making them accessible to another person for whom they are not intended, or publishing them, gains a pecuniary advantage for himself or another person or causes a disadvantage to another person, uses a device,

attached to the computer system or otherwise made ready to receive, or intercepts the electromagnetic radiation of a computer system, shall, if the act is not punishable under section 119, be punished by imprisonment for not more than six months or by a fine of not more than 360 daily penalty units.

2) The offender shall be prosecuted only with the authorization of the injured person.

§ 120

Misuse of sound recording or listening devices

1) Any person who uses an audio recording device or a listening device to obtain knowledge for himself or another unauthorized person of a statement made by another that is not public and not intended for his knowledge shall be liable to a custodial sentence not exceeding one year or to a monetary penalty not exceeding 720 daily penalty units.

2) It shall also be punishable whoever, without the consent of the speaker, makes the sound recording of a non-public statement of another accessible to a third party for whom it is not intended, or publishes such a recording.

2a) Whoever records, makes accessible to another unauthorized person or publishes a message transmitted by means of an electronic communications network and not intended for him with the intention of gaining knowledge for himself or another unauthorized person, shall be punished, if the act is not punishable by a more severe penalty under the above provisions or under another provision, by imprisonment of up to three months or a fine of up to 180 daily rates.

3) The offender shall be prosecuted only at the request of the injured person.

§ 121

Violation of professional secrets

1) Any person who discloses or exploits a secret that is his

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

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

3. As a youth, marriage, and family counselor or working in social welfare,

4. as a person professionally employed with tasks of administration of a hospital or with tasks of health, accident, life or social insurance,

has been entrusted or made accessible and the disclosure or exploitation of which is likely to infringe a legitimate interest of the person who has used his activity or for whom it is used

shall be punished by a term of imprisonment of up to six months or a fine of up to 360 daily penalty units.

2) Whoever commits the act in order to gain a pecuniary advantage for himself or another or to cause a disadvantage to another shall be punished by imprisonment of up to one year or a fine of up to 720 daily rates.

3) Likewise, an expert appointed by a court or other authority for specific proceedings who discloses or exploits a secret which has been entrusted to him or has become accessible to him exclusively by virtue of his expert activity and the disclosure or exploitation of which is likely to infringe a legitimate interest of the person who has made use of his activity or for whom it has been made use of shall be punished.

4) Persons performing one of the activities referred to in paras. 1 and 3 shall be deemed to have the same status as their assistants, even if they do not perform such activities on a professional basis, as well as persons participating in the activity for training purposes.

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

6) The perpetrator shall be prosecuted only at the request of the person whose interest in secrecy has been violated (paras. 1 and 3).

§ 122

Violation of a trade or business secret

1) Any person who discloses or exploits a trade or business secret (Para. 3) that he or she learned in the course of his or her activities in the performance of a supervisory, inspection or

collection is punishable by imprisonment of up to one year or a fine of up to 360 daily penalty units.

2) Whoever commits the act in order to gain a pecuniary advantage for himself or another or to cause a disadvantage to another shall be punished by imprisonment of up to one year or a fine of up to 720 daily rates.

3) Paragraph 1 only applies to a business or trade secret which the perpetrator is obliged to keep by law and the disclosure or use of which is likely to infringe a legitimate interest of the person concerned by the supervision, inspection or collection.

4) The perpetrator shall not be punished if the disclosure or exploitation is made after

content and form is justified by a public interest or a legitimate private interest.

5) The perpetrator shall be prosecuted only at the request of the person injured in his interest in secrecy (para. 3).

§ 122a

Repealed

§ 123

Exploitation of a trade or business secret

1) Any person who discovers a trade or business secret with the intention of exploiting it, entrusting it to another person for exploitation or disclosing it to the public shall be liable to a custodial sentence not exceeding two years.

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

§ 124

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

1) Any person who discloses a trade or business secret with the intention that it will be exploited, used or otherwise exploited abroad is liable to a custodial sentence not exceeding three years.

2) Likewise, anyone who discloses a business or trade secret which he is obliged to protect to a foreign country for exploitation, use or other exploitation shall be punished.

6. Section

Criminal acts against third party property

§ 125

Damage to property

Anyone who destroys, damages, defaces or renders unusable another person's property is liable to a custodial sentence not exceeding six months or to a monetary penalty not exceeding 360 daily penalty units.

§ 126

Serious damage to property

1) A person who commits damage to property shall be punished by imprisonment for a term of up to two years.

1. in a thing dedicated to worship or veneration by a person domestically

existing church or religious society is dedicated,

2. at a grave, another place of burial, a tombstone or a memorial to the dead located in a cemetery or in a place of religious worship,

3. to an ownerless natural body, to an antiquity of considerable scientific value or to a protected cultural asset within the meaning of the Cultural Property Act,171

4. to an object of generally recognized scientific, folkloric, artistic or historical value, which is in a generally accessible collection or otherwise in such a place or in a public building,

5. to an essential component of the critical infrastructure (Section 74 (1) no. 10) or172

6. Retrieved

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

2) Any person who, by committing the act, causes damage to the property in excess of 300,000 francs is liable to a custodial sentence of six months to five years.175

§ 126a

Data corruption

1) Any person who harms another person by altering, deleting, or otherwise rendering unusable or suppressing data that has been processed, transmitted, or made available with the aid of an automated system and over which that person has no or no sole right of disposal shall be liable to a custodial sentence not exceeding six months or to a monetary penalty not exceeding 360 daily penalty units.

2) Anyone who causes damage to data exceeding 7,500 francs by committing the act is liable to a custodial sentence of up to two years.177

3) Whoever by the act interferes with many computer systems by using a computer program, a computer password, access codes or comparable data enabling access to a computer system or a part thereof, provided that these means were obviously created or adapted for this purpose according to their special nature, shall be punished by imprisonment for up to three years.178

4) The penalty shall be imprisonment for a term of six months to five years for anyone who179

1. causes damage exceeding 300,000 Swiss francs as a result of the act,

2. the act impairs essential components of the critical infrastructure (Art. 74 par. 1 fig. 10) or

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

§ 126b

Disruption of the functioning of a computer system

1) Any person who seriously disrupts the functioning of a computer system over which he has no or no sole right of disposal by entering or transmitting data shall, if the act is not punishable under Section 126a, be liable to a custodial sentence not exceeding six months or to a monetary penalty not exceeding 360 daily penalty units.

2) Any person who, by committing an act, causes a prolonged disruption of the functioning of a computer system shall be punished by a term of imprisonment of up to two years.

3) Whoever, by the act, accesses many computer systems using a computer program, computer password, access code, or comparable data that allows access to a computer system or

The person who seriously interferes with the use of the means of transport for the purpose of making possible a part thereof, provided that these means were obviously created or adapted for this purpose according to their special nature, shall be punished with a term of imprisonment of up to three years.

4) The following shall be punished with imprisonment for a term of six months to five years

1. causes damage exceeding 300,000 Swiss francs as a result of the act,

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

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

§ 126c

Misuse of computer programs or access data

1) Who

1. a computer program which, by its particular nature, is obviously created or adapted for the purpose of committing unlawful access to a computer system (§ 118a), a breach of communications secrecy (§ 119), an improper interception of data (§ 119a), data corruption (§ 126a), interference with the functioning of a computer system (§ 126b) or fraudulent misuse of data processing (§ 148a), or a comparable such device, or

2. a computer password, access code or similar data that allows access to a computer system or part thereof,

manufactures, imports, distributes, sells, otherwise makes accessible, procures or possesses with the intent that they will be used to commit one of the criminal acts mentioned in item 1, shall be punished by imprisonment of up to six months or a fine of up to 360 daily penalty units.

2) Under subsection (1), a person shall not be punished who voluntarily prevents the computer program referred to in subsection (1) or the device comparable thereto or the password, access code or data comparable thereto from being used in the manner specified in sections 118a, 119, 119a, 126a, 126b or 148a. If the danger of such use does not exist or has been eliminated without the perpetrator's intervention, he shall not be punished if, unaware thereof, he voluntarily and earnestly endeavors to eliminate it.

§ 127

Theft

1) Any person who takes another person's movable property with the intention of unlawfully enriching himself or a third party by appropriating it shall be liable to a custodial sentence not exceeding six months or to a monetary penalty not exceeding 360 daily penalty units.

2) Retrieved

§ 128

Grand theft

1) A person who commits theft shall be punished by imprisonment for a term not exceeding three years.

1. during a conflagration, a flood or a general hardship or a hardship which has befallen the stolen person or by taking advantage of a condition of the stolen person which renders him helpless,

2. in a place used for religious worship or at a thing dedicated to the worship of God or to the worship of a church or religious society existing within the country,

3. to an object of generally recognized scientific, folkloric, artistic or historical value, which is in a generally accessible collection or otherwise in such a place or in a public building,

4. to an essential component of the critical infrastructure (Section 74 (1) (10)) or

5. to an object whose value exceeds 7,500 francs.

2) A person who steals an object whose value exceeds 300,000 francs is liable to a custodial sentence of one to ten years.

§ 129

Theft by burglary or with weapons

A person who commits theft shall be punished by imprisonment for a term of six months to five years,

1. By breaking, entering, using a counterfeit or unlawful device to enter a building, conveyance, dwelling, or other enclosed space or storage place

The user may enter the premises by means of a key, another tool not intended for proper opening or an illegally obtained access code,

2. by breaking open a container or opening it by one of the means mentioned in item 1,

3. by breaking a locking device or opening it by one of the means mentioned in item 1,

4. by electronically overriding an access block or

5. in which he or, with his knowledge, another person involved (§ 12) carries a weapon or other means to overcome or prevent the resistance of a person.

§ 130

Commercial theft and theft within the framework of a criminal organization

Any person who commits theft on a commercial basis or as a member of a criminal organization with the collaboration (Section 12) of another member of such organization shall be punished by imprisonment for a term of six months to five years. A person who commits grand larceny (section 128) or larceny by burglary or with weapons (section 129) with the intention of obtaining a continuous income by the recurrent commission of the act shall be punished by imprisonment for a term of one to ten years.

§ 131

Robbery theft

Whoever, being entered in the act of theft, uses force against a person or threatens him with a present danger to life or limb (§ 89),

in order to obtain for himself or a third person the thing taken away, shall be punished by imprisonment for a term of six months to five years, but if the use of force results in bodily injury with serious permanent consequences (section 85) or in the death of a person, by imprisonment for a term of five to fifteen years.

§ 131a

Data theft

Any person who, with the intention of unlawfully enriching himself or a third party, obtains data processed with the aid of information technology which he is not entitled to dispose of or is not entitled to dispose of alone shall be liable to a custodial sentence not exceeding three years or to a monetary penalty not exceeding 360 daily penalty units. Both penalties may also be imposed concurrently.

§ 132

Energy deprivation

1) Any person who, with the intention of unlawfully enriching himself or a third party, extracts energy from a plant used for the extraction, transformation, supply or storage of energy shall be liable to a custodial sentence not exceeding six months or to a monetary penalty not exceeding 360 daily penalty units.

2) Any person who withdraws energy the value of which exceeds 7,500 francs shall be liable to a custodial sentence not exceeding three years, and any person who withdraws energy the value of which exceeds 300,000 francs shall be liable to a custodial sentence not exceeding one to ten years.

§ 133

Embezzlement

1) Any person who appropriates property entrusted to him or her or to a third party with the intention of unlawfully enriching himself or herself or the third party thereby shall be liable to a custodial sentence not exceeding six months or to a monetary penalty not exceeding 360 daily penalty units.

2) Any person who embezzles property the value of which exceeds 7,500 francs shall be liable to a custodial sentence not exceeding three years, and any person who embezzles property the value of which exceeds 300,000 francs shall be liable to a custodial sentence not exceeding one to ten years.

§ 134

Embezzlement

1) Whoever appropriates to himself or to a third party property which he has found or which has come into his custody by mistake or otherwise without his doing, with the intention of thereby unjustly depriving himself or the third party of his property, shall be liable to the prosecution.

is liable to a custodial sentence not exceeding six months or to a monetary penalty not exceeding 360 daily penalty units.

2) Likewise, a person who misappropriates another person's property which he has taken into his custody without intent to misappropriate it shall be punished.

3) Any person who embezzles another's property whose value exceeds 7,500 francs shall be liable to a custodial sentence not exceeding two years, and any person who embezzles another's property whose value exceeds 300,000 francs shall be liable to a custodial sentence of six months to five years.

§ 135

Permanent deprivation of property

1) Any person who causes damage to another person by permanently removing another person's movable property from his custody without appropriating the property to himself or a third party shall be liable to a custodial sentence not exceeding six months or to a monetary penalty not exceeding 360 daily penalty units.

2) Whoever commits the act on one of the objects mentioned in § 126 par. 1 fig. 1 to 5 or on an object whose value exceeds 7,500 francs shall be punished by imprisonment for a term of up to two years, whoever commits the act on an object whose value exceeds 300,000 francs shall be punished by imprisonment for a term of six months to five years.

§ 136

Unauthorized use of vehicles

1) Any person who uses a vehicle equipped for propulsion by machine power without the consent of the person entitled thereto shall be liable to a custodial sentence not exceeding six months or to a monetary penalty not exceeding 360 daily penalty units.

2) A person who commits the offense by obtaining control of the vehicle by one of the acts described in sections 129 to 131 shall be punished by imprisonment for not more than two years.

3) The offender shall be punished with imprisonment for a term of up to two years if the total damage caused by the offence to the vehicle, the load or by the use of operating materials exceeds 7,500 francs; however, if the damage exceeds 300,000 francs, the offender shall be punished with imprisonment for a term of up to three years.203

4) The offender shall be punished only at the request of the person whose rights have been violated if the right to dispose of the vehicle belongs to his or her spouse, registered partner, relative in a direct line, brother or sister, or other relative, provided that he or she is in agreement with the person whose rights have been violated.

The person who has the right to use the vehicle is the person who lives in the same household or if the vehicle was entrusted to him by his employer who is authorized to do so. A merely temporary authorization does not come into consideration.204

§ 137

Interference with another person's hunting or fishing rights

Any person who, in violation of another's hunting or fishing rights, pursues game, fishes, kills or injures game or fish or appropriates it to himself or a third party, or otherwise destroys, damages or appropriates to himself or a third party an object that is subject to another's hunting or fishing rights, shall be liable to a custodial sentence not exceeding six months or to a monetary penalty not exceeding 360 daily penalty units.

§ 138

Serious interference with another person's hunting or fishing rights

A penalty of up to three years' imprisonment shall be imposed on anyone who commits the act of

1. to game, fish or other objects subject to the third party's hunting or fishing rights in a value exceeding 7,500 francs,

2. in the closed season or with the use of iron, poison bait, an electric trapping device, an explosive, in a manner endangering the game or fish population or on game with the use of snares,

3. commits a crime in the company of a party (§ 12) and either carries a firearm himself or knows that the party is carrying a firearm, or

4. commits a commercial act.

§ 139

Prosecution requirement

If the perpetrator commits an infringement of another's hunting right in a place where he may hunt, or an infringement of another's fishing right in a place where he may engage in fishing to a limited extent, he shall be prosecuted for the acts punishable under sections 137 and 138 only with the authorization of the person entitled to hunt or fish.

§ 140

Use of force by a poacher

Whoever, while interfering with another's hunting or fishing rights, enters in the act, uses force against a person, or threatens him with a present danger to

If a person threatens life or limb (Section 89) in order to obtain booty for himself or a third party, he shall be punished by imprisonment for a term of six months to five years; however, if the use of force results in bodily injury with serious permanent consequences (Section 85) or the death of a person, he shall be punished by imprisonment for a term of five to fifteen years.

§ 141

Theft

1) Whoever, out of necessity, imprudence or for the satisfaction of a craving, deprives another of a thing of small value or appropriates it for himself or a third party, shall, if the act would otherwise be punishable as theft, deprivation of energy, embezzlement, misappropriation, permanent deprivation of property or encroachment on another's hunting or fishing rights and it is not one of the cases of §§ 129, 131, 138 items 2 and 3 and 140, be punished with a fine of up to 60 daily rates.

2) The offender shall be prosecuted only with the authorization of the injured person.

3) A person who commits an act to the detriment of his spouse, registered partner, relative in a direct line, brother or sister, or to the detriment of another relative, provided that he lives with the latter in the same household, shall be punished only at the request of the person whose rights have been violated.

§ 142

Robbery

1) Whoever, by force against a person or by threat of present danger to life or limb (§ 89), takes away or coerces another person to take away another person's movable property with the intention of unlawfully enriching himself or a third person by its appropriation, shall be punished by imprisonment for a term of one to ten years.

2) A person who commits robbery without using considerable force on an object of low value shall, if the act has entailed only insignificant consequences and it is not a case of aggravated robbery (section 143), be punished by imprisonment for a term of six months to five years.

§ 143

Aggravated robbery

1) A person who commits a robbery as a member of a criminal organization with the participation (Section 12) of another member of such organization, or who commits a robbery with the use of a weapon, shall be punished by imprisonment for a term of one to fifteen years.

2) If the use of force results in serious bodily injury (Section 84(1)), the offender shall be liable to a custodial sentence of five to fifteen years. However, if the use of force results in bodily injury with serious permanent consequences (Section 85 (1)), the offender shall be punished with imprisonment for a term of ten to twenty years, but if it results in the death of a person, the offender shall be punished with imprisonment for a term of ten to twenty years or with life imprisonment.

§ 144

Blackmail

1) Whoever coerces someone by force or by dangerous threat to perform an act, acquiescence or omission which damages the property of the person or another person, shall be punished by imprisonment for a term of six months to five years if he acted with the intention of unlawfully enriching himself or a third party through the conduct of the coerced person.

2) The act is not unlawful if the use of force or threat as a means to the intended end is not contrary to good morals.

§ 145

Serious blackmail

1) A person who commits extortion by

1. Threatened with death, significant maiming or conspicuous disfigurement, kidnapping, arson, exposure to nuclear energy, ionizing radiation or explosives, or destruction of economic livelihood or social standing, or

2. puts the coerced person or another person against whom the violence or dangerous threat is directed into an agonizing condition for a longer period of time by these means,

shall be punishable by imprisonment for a term of one to ten years.

2) Likewise, whoever commits an extortion

1. commercially commits or

2. against the same person for a longer period of time.

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

§ 146

Fraud

Any person who, with the intention of unlawfully enriching himself or a third party through the conduct of the deceived person, induces another person by deception about facts to perform an act, acquiesce in an act, or omit to perform an act, which damages the property of the deceived person or another person, shall be liable to a custodial sentence not exceeding six months or to a monetary penalty not exceeding 360 daily penalty units.

§ 147

Serious fraud

1) A person who commits a fraud by deceiving to

1. uses a false or falsified document, a false, falsified or alienated non-cash means of payment, spied-out data of a non-cash means of payment, false or falsified data, any other such means of evidence, or an incorrect measuring device; or

2. Retrieved

3. falsely claims to be a civil servant,

shall be punishable by a term of imprisonment of up to three years.

1a) Likewise, whoever commits a fraud with more than minor damage by deceiving about the use of a prohibited substance or method according to the Annex to the Convention against Doping, LGBl. 2000 No. 111, for the purpose of doping in sport shall be punished.

2) Likewise, anyone who commits a fraud with a loss exceeding 7,500 francs shall be punished.

3) Anyone who causes damage exceeding 300,000 francs by committing the act is liable to a custodial sentence of one to ten years.214

§ 148

Professional fraud

A person who commits fraud on a commercial basis shall be liable to a term of imprisonment of up to three years, but a person who commits aggravated fraud on a commercial basis under section 147(1) to (2) shall be liable to a term of imprisonment of six months to five years.

§ 148a

Fraudulent data processing abuse

1) Whoever, with the intention of unlawfully enriching himself or a third party, damages the property of another by altering the result of an automation-supported data processing by designing the program, by inputting,

alteration, deletion or suppression of data or otherwise by influencing the course of the processing operation shall be liable to a custodial sentence not exceeding six months or to a monetary penalty not exceeding 360 daily penalty units.

2) Any person who commits the act on a commercial basis or causes damage exceeding 7,500 francs by the act shall be liable to a custodial sentence not exceeding

three years, and anyone who causes damage exceeding 300,000 francs by committing the act is liable to a custodial sentence of one to ten years.

§ 149

Obtaining a service

1) Any person who, by deception of facts, obtains transportation through an establishment serving public transport or access to a performance, exhibition or other event or to an establishment without paying the established fee shall, if the fee is small, be punished by a fine of up to 60 daily rates.

2) Any person who procures for himself or another the service of a vending machine, which does not consist of goods, without paying the fee for it, shall be punished by imprisonment of up to six months or a fine of up to 360 daily penalty units. Likewise, anyone who obtains the services of a data processing system for himself or herself or for a third party without the consent of the authorized person and without paying an appropriate fee for this service shall be punished.

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

4) The offender shall be prosecuted only with the authorization of the injured person.

§ 150

Emergency fraud

1) Whoever commits a fraud with only minor damage out of necessity, if it is not one of the cases of §§ 147 and 148, shall be punished by a fine of up to 60 ta- ges.

2) The offender shall be prosecuted only with the authorization of the injured person.

3) A person who commits an act to the detriment of his spouse, registered partner, relative in a direct line, brother or sister, or to the detriment of another relative, if he lives in the same household, shall be punished only at the request of the person whose rights have been violated.

§ 151

Insurance Abuse

1) Whoever with the intent to procure an insurance benefit for himself or another,

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

2. injures or causes injury or damage to the body or health of himself or another,

shall, if the act is not punishable under sections 146, 147 and 148, be punishable by a term of imprisonment of up to six months or by a fine of up to 360 daily penalty units.

2) Pursuant to subsection 1, a person who, before the insurance payment has been made and before an authority (subsection 3) has learned of his fault, voluntarily refrains from further pursuit of his intention.

3) An authority within the meaning of subsection 2 shall be understood to mean an authority appointed for criminal prosecution in this capacity. Public security organs appointed for criminal prosecution in this capacity shall be deemed equivalent to such authorities.

§ 152

Credit Damage

1) Any person who alleges false facts and thereby damages or endangers the credit, acquisition or professional advancement of another person shall be punished by imprisonment for a term not exceeding six months or by a fine not exceeding 360 daily penalty units.

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

§ 153

Infidelity

1) Any person who knowingly abuses his authority to dispose of another's property or to bind another and thereby damages the other's property shall be liable to a custodial sentence not exceeding six months or to a monetary penalty not exceeding 360 daily penalty units.

2) Any person who unreasonably violates such rules that serve to protect the assets of the beneficial owner shall be deemed to have abused his authority.

3) Any person who causes damage exceeding 7,500 francs by the commission of the offence shall be liable to a custodial sentence not exceeding three years, and any person who causes damage exceeding 300,000 francs shall be liable to a custodial sentence not exceeding one to ten years.

§ 153a

Funding Abuse

1) Any person who misuses a grant awarded to him for purposes other than those for which it was awarded shall be liable to a custodial sentence not exceeding six months or to a monetary penalty not exceeding 360 daily penalty units.

2) Pursuant to subsection (1), a person who commits the act as a managerial employee (section 74 para.

3) of a legal person or a company without personality to which the subsidy was granted, or indeed without the consent of the person to whom the subsidy was granted, but as his managerial employee (Section 74 (3)).

3) Any person who commits the act in respect of an amount exceeding 7,500 francs shall be liable to a custodial sentence not exceeding two years.

4) Whoever commits the act in respect of an amount exceeding 300,000 francs shall be punished by imprisonment for a term of six months to five years.

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

§ 154

Money usury

1) Any person who exploits another's predicament, carelessness, inexperience or lack of judgment by paying himself or a third party for a service that is intended to satisfy a pecuniary interest.

The person who, for the purpose of meeting a financial need, in particular for granting or arranging a loan or for the deferral of a monetary claim or for arranging such a deferral, promises or allows to be granted a pecuniary advantage which is strikingly disproportionate to the value of his own performance, shall be punished by imprisonment for not more than three years.

2) Likewise, anyone who usuriously exploits such a claim that has passed to him shall be punished.

3) Whoever commits money usury on a commercial basis shall be punished by imprisonment from six months to five years.

4) Retrieved

§ 155

Material usury

1) Whoever, except in the cases of § 154, commercially exploits the predicament, recklessness, inexperience or lack of judgment of another by promising or allowing to be granted to himself or to a third party a pecuniary advantage for a good or other performance which is conspicuously disproportionate to the value of his own performance, shall be punished with imprisonment for not more than three years, but if he has seriously harmed a larger number of people by the act, with imprisonment for not more than six months and not more than five years.

2) Likewise, any person who commercially and usuriously exploits such a claim that has passed to him shall be punished.

3) Retrieved

§ 156

Fraudulent Krida

1) A person who conceals, sets aside, disposes of or damages a part of his property, advances or acknowledges a non-existent debt, or otherwise reduces his property, really or in appearance, and thereby frustrates or diminishes the satisfaction of his creditors or at least one of them, shall be punished by imprisonment for a term of six months to five years.

2) Anyone who causes damage exceeding 300,000 francs by committing the act is liable to a custodial sentence of one to ten years.

§ 157

Damage to third party creditors

A person shall also be punished who, without the debtor's consent, conceals, sets aside, disposes of or damages a part of the debtor's property or asserts a non-existent right against the debtor's property and thereby frustrates or diminishes the satisfaction of the creditors or at least one of them.

§ 158

Beneficiary of a creditor

Any person who, after becoming insolvent, favors one creditor and thereby disadvantages the other creditors or at least one of them shall be punished by imprisonment for not more than two years.

§ 159

Grossly negligent impairment of creditor interests

1) Any person who grossly negligently (section 6(3)) causes his insolvency by acting in a manner prejudicial to his ability to pay (subsection (5)) shall be liable to a custodial sentence not exceeding one year or to a monetary penalty not exceeding 720 daily rates.

2) Similarly, a person who, knowing or being negligently unaware of his or her inability to pay, frustrates or diminishes the satisfaction of at least one of his or her creditors through gross negligence (section 6(3)) shall be punished by acting in a manner likely to cause a default under subsection (5).232

3) Likewise, anyone who, through gross negligence (Section 6(3)), impairs his or her economic situation by acting in a way that is detrimental to the interests of the company (subsection 5) in such a way that he or she would not have been able to make payments if one or more local authorities had not made direct or indirect contributions without being obliged to do so, or if comparable measures had not been taken, or if contributions or comparable measures had not been arranged by others.233.

4) The following shall be punished by imprisonment for a term of up to two years

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

2. in the case of subsection 2, causes an additional loss of satisfaction of its creditors or at least one of them exceeding 1,200,000 francs, or

3. damages the economic existence of a large number of people or, in the case of subsection (3), would have damaged it, by any of the acts punishable under subsection (1) or (2).

5) Any person who, contrary to the principles of proper business management, acts in a manner that

1. destroys, damages, renders unusable, disposes of or gives away a significant part of his property,

2. spends excessive amounts by gambling or betting through an exceptionally daring transaction that is not part of his ordinary business operations,

3. makes excessive expenditures that are conspicuously at odds with his financial circumstances or his economic capacity,

4. omits to keep books of account or business records, or keeps them in such a manner as to provide a timely view of its true financial condition.

financial position and results of operations, or fails to take other appropriate and necessary control measures to provide it with such an overview, or

5. financial statements that it is required to prepare, or prepares them in such a manner or at such a late date as to make it materially more difficult to obtain a true and fair view of its net assets, financial position and results of operations in a timely manner.

§ 160

Turnovers in the insolvency proceedings

1) Punishable by imprisonment for a term not exceeding one year or by a fine not exceeding 720 daily penalty units:

1. who asserts a claim that does not rightfully exist or a claim in an amount or rank that does not rightfully exist in order thereby to obtain an influence in the insolvency proceedings to which he is not entitled;236

2. a creditor who, to the detriment of other creditors, accepts or allows himself to be promised a pecuniary advantage for exercising his voting right in a certain sense or for not exercising his voting right for himself or a third party, and also who grants or promises a pecuniary advantage to a creditor for this purpose;

3. a creditor who, to the detriment of the other creditors, accepts or allows himself to be promised a special benefit for himself or a third party in return for agreeing to a reorganization plan in the insolvency proceedings without the consent of the other creditors, and also who grants or promises a special benefit to a creditor for this purpose.237

2) Similarly, the insolvency administrator in the insolvency proceedings who accepts or allows himself to be promised a pecuniary advantage not due to him for himself or a third party to the detriment of the creditors shall be punished.238

§ 161

Common provisions on the responsibility of senior executives

1) According to §§ 156, 158, 159 and 162 is equal to a debtor, according to

§ Section 160, a person shall be punished in the same manner as a creditor if he commits one of the acts referred to therein as an officer (Section 74(3)) of a legal person or a company without personality. Likewise, whoever acts without the consent of the debtor or creditor but as the latter's managerial employee (Section 74(3)) shall be punished in accordance with the said provisions.

2) Under section 160(2), a person who commits any of the acts referred to therein shall also be punished for

as an executive employee (Section 74 (3)) of a legal entity or a company without personality to whom one of the duties specified therein has been delegated.

§ 162

Obstruction of enforcement

1) A debtor who conceals, sets aside, disposes of or damages a part of his property, protects or acknowledges a non-existent debt or otherwise diminishes his property, really or in appearance, and thereby frustrates or diminishes the satisfaction of a creditor by execution or in pending execution proceedings, shall be punished by imprisonment for not more than six months or by a fine of not more than 360 daily penalty units.

2) Any person who causes damage exceeding 7,500 francs by committing the act shall be liable to a custodial sentence not exceeding three years.

§ 163

Obstruction of execution in favor of another person

A person shall also be punished who, without the debtor's consent, conceals, sets aside, disposes of or damages a part of the debtor's property or asserts a non-existent right against the debtor's property and thereby frustrates or diminishes the satisfaction of a creditor by execution or in pending execution proceedings.

§ 164

Stolen goods

1) Whoever assists the perpetrator of a punishable act against another's property after the act to conceal or exploit an object obtained by the perpetrator through the act, shall be punished by imprisonment of up to six months or a fine of up to 360 daily rates.

2) Likewise, anyone who buys such a thing, otherwise brings it to himself or procures it for a third party shall be punished.

3) Any person who conceals an object worth more than 7,500 francs is liable to a custodial sentence of up to two years.

4) Any person who conceals an object worth more than 300,000 francs or who engages in receiving stolen goods on a commercial basis shall be liable to a custodial sentence of from six months to

five years. Likewise, the fence shall be punished if the punishable act by which the thing was obtained is punishable by imprisonment for a term equal to or exceeding five years for a reason other than commercial commission, and the fence knows the circumstances giving rise to this threat of punishment.

5) Any person who commits an act under subsection (1) or (2) out of necessity, imprudence or to satisfy a craving for an object of minor value shall be liable to a custodial sentence not exceeding one month or to a monetary penalty not exceeding 60 daily penalty units, unless the predicate offense is theft by burglary or with weapons under section 129, predatory theft under section 131, aggravated interference with another's hunting or fishing rights under section 138 subsection (2), robbery under section 142, aggravated robbery under section 143 or extortion under section 144 or aggravated extortion under section 144. 2, robbery under Section 142, aggravated robbery under Section 143, extortion under Section 144, or aggravated extortion under

§ 145 acts.

6) A person who commits an act under subsection 5 shall be prosecuted only with the authorization of the person injured by the predicate offense.

7) A person who commits an act under subsection 5 shall not be punished if the predicate act was committed to the detriment of his or her spouse, registered partner, relative in the direct line, brother or sister, or to the detriment of another relative if he or she lives in domestic community with the latter.

§ 165

Money Laundering

1) Any person who conceals or disguises the origin of elements of property resulting from an act punishable by more than one year's imprisonment or an offense under sections 223, 229, 289, 293 or 295, under articles 83 to 85 of the Aliens Act, under article 140 of the Tax Act or under articles. 88 or 89 of the Value Added Tax Act, or conceals their origin, in particular by making false statements in legal transactions about the origin or true nature of these property items, the ownership or other rights to them, the powers of disposal over them, their transfer or about where they are located, shall be punished by imprisonment for up to three years.

2) Any person who takes possession of, holds in custody, or knowingly invests assets resulting from an act punishable by more than one year's imprisonment, an offense under sections 223, 229, 289, 293 or 295, under articles 83 to 85 of the Aliens Act or under articles 88 or 89 of the Value Added Tax Act, or who knowingly takes possession of, holds in custody or invests assets resulting from an offense under article 140 of the Tax Act, whether for the sole purpose of keeping such assets in safe custody or for the purpose of investing such assets.

or to manage, converts or realizes such assets or transfers them to a third party is liable to a custodial sentence not exceeding two years.250

3) Any person who takes possession of or holds in custody assets belonging to a criminal organization (Section 278a) or a terrorist organization (Section 278b) on its behalf or in its interest, whether for the sole purpose of safeguarding, investing or managing such assets, or who converts or realizes such assets or transfers them to a third party, shall be liable to a custodial sentence not exceeding three years.

4) Whoever commits the act in respect of a value exceeding 75,000 francs or as a member of a criminal organization that is engaged in the perpetuat- ion of criminal acts.

The offender is liable to a custodial sentence of one to ten years.

5) An item of property derives from a criminal act if.

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

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

§ 165a

Active repentance

1) A person shall not be punished for money laundering if, voluntarily and before the authority (section 151(3)) has become aware of his/her fault, he/she has, by notifying the authority or in any other way, secured substantial assets to which the money laundering relates.

2) If substantial assets to which the money laundering related are seized without the perpetrator's intervention, the perpetrator shall not be punished if he voluntarily and seriously sought the seizure in ignorance thereof.

§ 166

Inspection in the family circle

1) Whoever commits damage to property, damage to data, disruption of the functioning of a computer system, theft with the exception of the cases specified in §§ 129 No. 5, 131, misappropriation of energy, embezzlement, permanent deprivation of property, encroachment on another's hunting or fishing rights with the exception of the cases specified in §§ 138 No. 2 and 3, 140.

cases, fraud, fraudulent misuse of data processing, unfaithfulness, receiving stolen goods pursuant to section 164 (1) to (4), counterfeiting of non-cash means of payment, acceptance, transfer or possession of false or falsified non-cash means of payment, preparation of counterfeiting of non-cash means of payment, alienation of non-cash means of payment, acceptance, transfer or possession of alienated non-cash means of payment or spying on data of a non-cash means of payment to the detriment of its

spouse, his or her registered partner, a relative in a direct line, his or her brother or sister, or to the detriment of another relative, provided that he or she lives with the latter in the same household, shall be punished by imprisonment for a term not exceeding three months or by a fine not exceeding 180 daily penalty units, but if the offense would otherwise be punishable by imprisonment for a term not exceeding three years, by imprisonment for a term not exceeding six months or by a fine not exceeding 360 daily penalty units. However, a guardian, curator or custodian who acts to the detriment of the person for whom he has been appointed shall not be a beneficiary.

2) Likewise, anyone who participates in the act solely for the benefit of another person (§ 12) who has one of the aforementioned relationships with the injured person shall be punished.

3) The offender shall be prosecuted only at the request of the injured person.

§ 167

Active repentance

1) Criminal liability for damage to property, damage to data, disruption of the functioning of a computer system, theft, data theft, energy theft, embezzlement, misappropriation, permanent deprivation of property, encroachment on another's hunting or fishing rights, theft, fraud, fraudulent use of data, fraudulent misuse of services, emergency fraud, breach of trust, misuse of funds, usury, damage to another's creditors, fraudulent misuse of data processing, fraudulent obtaining of benefits, emergency fraud, embezzlement, misappropriation of funds, usury, damage to third party creditors, favoring a creditor, grossly negligent impairment of creditor's interests, frustration of execution, and receiving stolen goods shall be cancelled by active repentance.

2) The offender shall be deemed to have acted with remorse if, before the authority (Section 151 para.

3) of his fault, even if at the request of the injured party, but without being forced to do so,

1. makes good all the damage resulting from his act or

2. contractually undertakes to make such amends to the injured party within a specified time. In the latter case, criminal liability shall be revived if the offender fails to comply with his obligation.

3) The perpetrator shall also not be punished if he has received the whole of the amount arising from his act.

makes good the damage suffered in the course of a voluntary declaration disclosing his fault to the authority (section 151(3)) by depositing it with that authority.

4) The perpetrator who has made serious efforts to make good the damage shall not be punished even if a third party on his behalf or another person participating in the act makes good the entire damage resulting from the act under the conditions specified in subsection 2.

§ 168

Retrieved

§ 168a

Chain or pyramid games

1) Any person who, in return for a stake, is offered the prospect of a pecuniary advantage on condition that further participants are brought into this or a related system under the same conditions, and in which the attainment of the pecuniary advantage depends wholly or partly on the conditional behavior of further participants in each case (chain or pyramid game),

1. sets in motion or organizes or

2. Disseminated through meetings, brochures, or in any other manner suitable for recruiting large numbers of participants; or

3. otherwise promotes the spread of such a system commercially,

is punishable by imprisonment of up to six months or a fine of up to 360 daily penalty units, unless the system is organized solely for charitable purposes or only low value stakes are required.

2) A person who has seriously harmed a larger number of people by the act shall be punished by imprisonment for a term of up to three years.

7. Section Publicly

Dangerous Offenses

§ 169

Arson

1) Anyone who causes a fire to another person's property without the owner's consent is liable to a custodial sentence of one to ten years.

2) Likewise, a person shall be punished who has damaged his own property or the property of another person.

causes a conflagration with the consent of the other person and thereby causes a danger to life or limb (§ 89) of the other person or a third person or to the property of a third person on a large scale.

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

§ 170

Negligent causing of a conflagration

1) A person who negligently commits any of the acts punishable under section 169 shall be liable to a custodial sentence not exceeding one year or to a monetary penalty not exceeding 720 daily penalty units.

2) If the act has resulted in the death of a person or serious bodily injury (Section 84 (1)) to a larger number of people, or if the act has caused distress to a large number of people, the offender shall be punished with imprisonment for a term of up to three years, but if it has resulted in the death of a larger number of people, with imprisonment for a term of six months to five years.

§ 171

Intentional endangerment by nuclear energy or ionizing radiation

1) Whoever causes a danger to life or limb (§ 89) of another person or to the property of another person to a large extent by released nuclear energy or otherwise by ionizing radiation, shall be punished by imprisonment for a term of one to ten years.

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

§ 172

Negligent endangerment by nuclear energy or ionizing radiation

1) A person who negligently commits the act punishable under section 171 shall be liable to a custodial sentence not exceeding one year or to a monetary penalty not exceeding 720 daily penalty units.

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

§ 173

Intentional endangerment by explosives

1) Any person who detonates an explosive as a means of detonation and thereby causes great danger to the life or limb (Section 89) of another person or to the property of another person is liable to a custodial sentence of from one to ten years.

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

§ 174

Negligent endangerment by means of explosives

1) A person who negligently commits the act punishable under Section 173 shall be liable to a custodial sentence not exceeding one year or to a monetary penalty not exceeding 720 daily penalty units.

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

§ 175

Preparation of a crime by means of nuclear energy, ionizing radiation or explosives

1) Any person who, with intent to prevent himself or another from committing an offense punishable under

§ Section 171 or Section 173, or who manufactures, acquires or possesses a nuclear fuel, a radioactive substance, an explosive, a component of an explosive or a device required for the manufacture or use of one of these substances, or who transfers such a substance to another person who knows (Section 5 para. 3) that he is acquiring it for the preparation of one of the aforementioned punishable acts, shall be punished by imprisonment for a term of six months to five years.

2) The offender shall not be punished if he voluntarily, before the authority (sec. 151 para.

3) has learned of his fault, hands over the object to the authority, enables the authority to take possession of the object or otherwise eliminates the danger that the object will be used to commit an act punishable under Section 171 or Section 173.

§ 176

Intentional public endangerment

1) Whoever, otherwise than by one of the acts punishable under sections 169, 171 and 173, causes danger to life or limb (section 89) to a greater number of people-

or to the property of others on a large scale is punishable by imprisonment of one to ten years.

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

§ 177

Negligent endangerment of the public

1) Any person who, otherwise than by one of the acts punishable under sections 170, 172 and 174, negligently causes danger to the life or limb (section 89) of a large number of persons or to the property of others on a large scale shall be liable to a custodial sentence not exceeding one year.

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

§ 177a

Production and proliferation of weapons of mass destruction

1) Whoever uses nuclear, radiological, biological or chemical weapons intended and suitable for mass destruction

1. manufactures, processes or develops for the purpose of manufacturing,

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

3. acquires, possesses, or gives or procures for another, shall be punished by imprisonment for a term of one to ten years.

2) If the perpetrator knows that the explosive ordnance is to be used in an area where war or armed conflict has broken out or is imminent, he shall be punished with imprisonment for a term of five to fifteen years; if he knows that the explosive ordnance is to be used, he shall be punished with imprisonment for a term of ten to twenty years or with life imprisonment.

§ 177b

Unauthorized handling of nuclear material, radioactive substances or radiation facilities

1) Any person who manufactures, processes, uses, possesses, disposes of, transports, imports into the country, exports from the country or passes through the country nuclear material in contravention of a legal provision or an official order shall be liable to a custodial sentence not exceeding three years.

2) Likewise, anyone who manufactures, processes or manipulates radioactive materials or radiation equipment in violation of a legal provision or an official order shall be punished,

processes, uses, possesses, disposes of, transports, imports into the country, exports from the country or passes through the country, that thereby

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

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

3. A prolonged deterioration in the condition of a water body, the soil, or the air; or

4. a disposal expense exceeding 75,000 Swiss francs may arise.

3) Any person who, in contravention of a legal provision or an official order, manufactures, processes, uses, possesses, possesses, transports, imports into the country, exports from the country or passes through the country nuclear material or radioactive substances and thereby creates the risk that nuclear material or radioactive substances will become accessible for the manufacture or processing of nuclear or radiological weapons suitable for mass destruction, shall be punished by a term of imprisonment of six months to five years. Similarly, anyone who commits one of the acts mentioned in para. 1 or 2 on a commercial basis shall be punished.

4) If one of the acts referred to in subsection 1 or 2 causes the danger referred to in section 171(1), substantially damages the animal or plant population or causes a long-lasting deterioration of the condition of a body of water, the soil or the air, the offender shall be punished by imprisonment for a term of one to ten years. If the act has any of the consequences specified in section 169(3), the penalties threatened therein shall be imposed.

5) The term nuclear material means source material and special fissionable material as well as equipment, technology and substances that can be used for energy production by means of nuclear fission processes. The term radioactive substances means substances containing one or more radionuclides, provided that their activity or concentration cannot be disregarded according to the state of the art in connection with radiation protection; objects containing radioactive substances or on the surface of which such substances are present are equivalent to radioactive substances. Radiation facilities are devices or installations which, without containing radioactive substances, are capable of emitting ionizing radiation and the operation of which is subject to a licensing requirement.

§ 177c

Negligent unauthorized handling of nuclear material, radioactive substances or radiation facilities

1) Whoever negligently, in contravention of a legal provision or an official order, commits one of the acts punishable under section 177b (1), (2) or (3).

The offender shall be liable to a custodial sentence not exceeding one year or to a monetary penalty not exceeding 720 daily penalty units.

2) If the act causes the danger referred to in section 171 (1), substantially damages the animal or plant population or causes a long-lasting deterioration of the condition of a body of water, the soil or the air, the offender shall be punished by imprisonment for not more than two years. If the act has one of the consequences specified in Section 170 (2), the penalties threatened therein shall be imposed.

§ 177d

Intentional unauthorized handling of substances that contribute to the depletion of the ozone layer

Any person who manufactures, imports, exports, places on the market or uses substances that contribute to the depletion of the ozone layer in contravention of a legal provision or an official order shall be liable to a custodial sentence not exceeding one year or to a monetary penalty not exceeding 720 daily penalty units.

§ 177e

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

Any person who, in gross negligence (Section 6(3)), commits any of the acts punishable under Section 177d in contravention of a statutory provision or an official order shall be liable to a custodial sentence not exceeding six months or to a monetary penalty not exceeding 360 daily penalty units.

§ 178

Intentional endangerment of people by communicable diseases

Any person who commits an act likely to cause the risk of spreading a communicable disease among humans shall be punished by a term of imprisonment of up to three years if the disease, by its nature, is one of the diseases that must be notified or reported, even if only to a limited extent.

§ 179

Negligent endangerment of people by communicable diseases

A person who negligently commits the act punishable under Section 178 shall be punished by imprisonment for a term not exceeding one year or by a fine not exceeding 720 daily rates.

§ 180

Intentional harm to the environment

1) Whoever, contrary to a legal provision or an official order, pollutes or otherwise impairs a body of water, the soil or the air in such a way that thereby

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

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

3. A prolonged deterioration in the condition of a water body, the soil, or the air; or

4. removal costs or other damage to another person's property, to a protected cultural asset within the meaning of the Cultural Property Act or to a natural monument that exceeds 75,000 francs,

can arise, is punishable by imprisonment for up to three years.

2) If, as a result of the act, the animal or plant population is substantially damaged, a long-term deterioration of the condition of a body of water, of the soil or of the air is caused, or a removal expense or other damage to another person's property, to a protected cultural asset within the meaning of the Cultural Assets Act or to a natural monument exceeding 75,000 francs is caused, the offender shall be punished by imprisonment for a term of six months to five years. If the act has one of the consequences specified in section 169(3), the penalties threatened therein shall be imposed.

§ 181

Negligent harm to the environment

1) Any person who negligently commits any of the acts punishable under section 180 in violation of a provision of law or an order of a public authority shall be guilty of the following

punishable by imprisonment for a term not exceeding one year or by a fine not exceeding 720 daily penalty units.

2) If the act causes substantial damage to the animal or plant population, long-lasting deterioration of the condition of a body of water, the soil, or the air, or a cost of removal or other damage to an

If the offender causes damage to another person's property, to a protected cultural asset within the meaning of the Cultural Property Act or to a natural monument that exceeds 75,000 francs, the offender shall be liable to a custodial sentence not exceeding two years. If the act has one of the consequences specified in section 170(2), the penalties threatened therein shall be imposed.

§ 181a

Intentional environmentally hazardous treatment and transfer of waste

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

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

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

3. A prolonged deterioration in the condition of a water body, the soil, or the air; or

4. a disposal expense that exceeds 75,000 francs,

can arise, is punishable by imprisonment for up to two years.

2) If the act causes substantial damage to the animal or plant population, a long-lasting deterioration of the condition of a body of water, the soil or the air, or a removal expense exceeding 75,000 francs, the offender shall be punished by imprisonment for up to three years. If the act has one of the consequences specified in section 169(3), the penalties threatened therein shall be imposed.

3) Whoever, except in the case of para. 2, transports waste in violation of Art. 2 No. 35 of Regulation (EC) No. 1013/2006 on shipments of waste in non-negligible quantities, shall be punished by imprisonment of up to one year or a fine of up to 720 daily rates.275

§ 181b

Negligent handling and transfer of waste hazardous to the environment

1) Any person who negligently commits any of the acts punishable under section 181a in contravention of a statutory provision or an official order shall be liable to a custodial sentence not exceeding six months or to a monetary penalty not exceeding 360 daily penalty units.

2) If the act causes significant damage to the animal or plant population, a long-lasting deterioration of the condition of a body of water, soil or

of the air or causes a disposal expense exceeding 75,000 francs, the offender shall be liable to a custodial sentence not exceeding one year or to a monetary penalty not exceeding 720 daily penalty units. If the act has one of the consequences specified in section 170(2), the penalties threatened therein shall be imposed.

3) Any person who, in addition to the cases referred to in paras. 1 and 2 above, transports waste in a not insignificant quantity by gross negligence (§ 6 para. 3) in violation of Article 2 item 35 of Regulation (EC) No. 1013/2006 on shipments of waste shall be liable to a custodial sentence not exceeding six months or to a monetary penalty not exceeding 360 daily penalty units.

§ 181c

Intentionally operating equipment in a manner that endangers the environment

1) Whoever, contrary to a legal regulation or an official order, operates a plant in which a hazardous activity is carried out in such a way that thereby

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

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

3. A prolonged deterioration in the condition of a water body, the soil, or the air; or

4. a disposal expense that exceeds 75,000 francs,

can arise, is punishable by imprisonment for up to two years.

2) If the act causes substantial damage to the animal or plant population, a long-lasting deterioration of the condition of a body of water, the soil or the air, or a removal effort that exceeds 75

000 francs, the offender shall be liable to a custodial sentence not exceeding three years. If the act has one of the consequences specified in section 169(3), the penalties threatened therein shall be imposed.

§ 181d

Grossly negligent operation of equipment endangering the environment

1) Any person who, in gross negligence (section 6(3)), commits the act punishable under section 181c(1) in contravention of a statutory provision or an official order shall be liable to a custodial sentence not exceeding six months or to a monetary penalty not exceeding 360 daily rates.

2) If the act causes significant damage to the animal or plant population, a long-lasting deterioration of the condition of a body of water, soil or

of the air or causes a disposal expense exceeding 75,000 francs, the offender shall be liable to a custodial sentence not exceeding one year or to a monetary penalty not exceeding 720 daily rates. If the act has any of the consequences specified in section 170(2), the penalties threatened therein shall be imposed.284

§ 181e

Intentional damage to the animal or plant population

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

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

§ 181f

Grossly negligent damage to the animal or plant population

Any person who, in gross negligence (Section 6(3)), commits any of the acts punishable under Section 181e in contravention of a statutory provision or an official order shall be liable to a custodial sentence not exceeding one year or to a monetary penalty not exceeding 720 daily penalty units.

§ 181g

Intentional damage to habitats in protected areas

1) Any person who, in contravention of a legal provision or an official order, substantially damages a habitat within a protected area shall be liable to a custodial sentence not exceeding two years.

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

§ 181h

Grossly negligent damage to habitats in protected areas

Any person who, in gross negligence (Section 6(3)), commits the act punishable under Section 181g in contravention of a statutory provision or an official order shall be liable to a custodial sentence not exceeding one year or to a monetary penalty not exceeding 720 daily rates.

§ 182

Other threats to the animal and plant population

1) Whoever commits an act that is likely to

1. cause the risk of spreading a disease among animals, or

2. cause the risk of spreading a pathogen or pest dangerous to the animal or plant population,

shall be punishable by a term of imprisonment of up to two years.

2) Any person who, in contravention of a legal provision or an official order, causes a significant danger to the animal or plant population in a manner other than that specified in § 180 shall also be punished.

§ 183

Negligent endangerment of the animal or plant population

Any person who negligently commits any of the acts punishable under section 182 shall be liable to a custodial sentence not exceeding six months or to a monetary penalty not exceeding 360 daily penalty units.

§ 183a

Error about legal regulations and official orders

1) If the perpetrator in the cases of §§ 180, 181a, 181c, 181e, 181g and 182 has not made himself acquainted with a legal provision or an official order, although he would have been obliged to do so according to his profession, his occupation or otherwise the circumstances, or if he is otherwise to be accused of an error concerning the legal provision or the official order, he shall nevertheless be punished according to these provisions if he otherwise acts intentionally.

2) Para. 1 shall apply mutatis mutandis in the cases of sections 181, 181b paras. 1 and 2 and 183 if the offender acts negligently, and in the cases of sections 181b para. 3, 181d, 181f and 181h if he acts with gross negligence (section 6 para. 3).

§ 183b

Active repentance

1) A person shall not be punished for any of the acts punishable under sections 180, 181 and 181a to 183 who voluntarily and before the authority (section 151(3))

has learned of his fault, the danger, contamination and other impairments caused by him shall be eliminated, unless there has already been damage to a human being or to the animal or plant population.

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

§ 184

Cure

Any person who, without having received the training required to practice medicine, carries out an activity reserved by law for physicians on a commercial basis with respect to a large number of persons shall be liable to a custodial sentence not exceeding three months or to a monetary penalty not exceeding 180 daily penalty units.

§ 185

Air piracy

1) Whoever, taking advantage of the special conditions of air traffic, by force or by 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 into his power or under his control or exercises dominion over it, shall be punished by imprisonment from one to ten years.

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

§ 186

Intentional endangerment of the safety of aviation

1) Who in such a manner that thereby may endanger the safety of an aircraft in flight,

1. uses force or threatens force against a person on board the aircraft,

2. the aircraft in use is damaged or

3. Aviation facilities destroyed, damaged or impaired in their operation,

shall be punishable by imprisonment for a term of one to ten years, unless the act is punishable by a more severe penalty under another provision.

2) Likewise, punish,

1. whoever destroys an aircraft in service or damages it in such a way that it becomes unairworthy, or

2. Whoever, by a knowingly incorrect communication, causes a hazard to the safety of an aircraft in flight.

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

§ 187

Prevention of the fight against a common danger

Any person who frustrates or makes more difficult a measure that is necessary to avert a present danger to the life or limb (section 89) of a large number of people or to the property of others to a large extent shall be liable to a custodial sentence not exceeding three years.

8. Section

Criminal acts against the religious peace and the rest of the dead

§ 188

Denigration of religious teachings

Any person who publicly disparages or ridicules a person or thing that is the object of worship of a church or religious society existing within the country, or a religious doctrine, a legally permissible custom or a legally permissible institution of such a church or religious society, under circumstances in which his conduct is likely to cause justifiable offence, shall be liable to a custodial sentence not exceeding six months or to a monetary penalty not exceeding 360 daily penalty units.

§ 189

Disturbance of a religious practice

1) Whoever, by force or by threat of force, violates the legally permissible Got-

The person who obstructs or disturbs a religious service or individual acts of worship of a church or religious society existing in Germany is liable to a custodial sentence not exceeding two years.

2) Who

1. at a place that is dedicated to the legally permissible religious practice of a church or religious society located in Germany,

2. at the legally permissible public worship service or individual legally permissible public acts of worship of a church or religious society existing in Germany, or

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

commits mischief in a manner likely to cause justifiable annoyance shall be liable to a custodial sentence not exceeding six months or to a monetary penalty not exceeding 360 daily penalty units.

§ 190

Disturbance of the peace of the dead

1) Any person who removes a corpse or parts of a corpse or the ashes of a deceased person from a person authorized to dispose of the corpse or removes the ashes from a place of burial or storage, or any person who mistreats a corpse or disgraces a corpse, the ashes of a deceased person or a place of burial, storage or memorial to the deceased, shall be liable to a custodial sentence not exceeding six months or to a monetary penalty not exceeding 360 daily penalty units.

2) Any person who removes jewelry from a place of burial, storage or memorial to the dead shall be liable to a custodial sentence not exceeding three months or to a monetary penalty not exceeding 180 daily penalty units.

§ 191

Disruption of a funeral ceremony

Whoever knowingly interrupts a funeral service by making a noise likely to cause justifiable annoyance or by other such conduct

shall be liable to a custodial sentence not exceeding three months or to a monetary penalty not exceeding 180 daily penalty units.

9. Section

Criminal acts against marriage, family and registered partnership

§ 192

Multiple marriage or registered partnership

A person who enters into a new marriage or a registered partnership while married or in a registered partnership, or who enters into marriage or a registered partnership with a married person or a person in a registered partnership, is liable to a custodial sentence not exceeding three years.

§ 193

Marriage and partnership deception

1) Any person who induces another to enter into marriage or a registered partnership with him or her by deceiving him or her about facts on the basis of which the invalidation of marriage or a registered partnership may be sought shall be liable to a custodial sentence not exceeding one year or to a monetary penalty not exceeding 720 daily penalty units.

2) The perpetrator is to be punished only if the marriage or registered partnership has been declared invalid because of the deception. Also, he is to be prosecuted only at the request of the injured party.

§ 193a

Prohibited adoption mediation

1) Any person who causes a person entitled to consent to the adoption of a minor by another person in return for the granting of an advantage to himself or herself or to a third person shall be punished by imprisonment for not more than two years.

2) If the perpetrator acts in order to gain a pecuniary advantage for himself or a third party, he shall be punished with imprisonment of up to three years.

3) Adopters and adopted children between whom the adoption is mediated are not to be punished as participants (§ 12 StGB).

§ 194

Deprivation of a minor from the power of the legal guardian

1) Whoever deprives a minor of the power of the legal guardian, conceals him from him, induces him to escape from this power or to conceal himself from the person entitled, or aids him to do so, shall be punished with imprisonment for a term not exceeding one year or with a fine not exceeding 720 daily penalty units.

2) Whoever commits the act in relation to a minor shall be punished by imprisonment for a term not exceeding three years.

3) A penalty of up to three years' imprisonment shall also be imposed on anyone who commits the act with a view to sexually abusing the minor or causing the minor to engage in sexual acts.299

4) The offender shall be prosecuted only at the request of the parent or guardian.300

5) A minor who induces another to deprive him or her of the power of the guardian or to assist him or her to deprive himself or herself of that power shall not be punished.

§ 195

Thwarting educational measures ordered by the authorities

1) Any person who deprives a minor of an educational measure ordered by the authorities, induces him or her to evade such a measure or assists him or her in doing so shall be liable to a custodial sentence not exceeding six months or to a monetary penalty not exceeding 360 daily penalty units.

2) The offender shall be prosecuted only at the request of the authority which shall decide on the continuation of the educational measure.

3) § Section 194 (5) shall apply mutatis mutandis.

§ 196

Retrieved

§ 197

Violation of the obligation to pay maintenance

1) Any person who grossly violates his or her duty of maintenance under family law and thereby causes the maintenance or upbringing of the person entitled to maintenance to be endangered or would be endangered without assistance from another source shall be liable to a custodial sentence not exceeding six months or to a monetary penalty not exceeding 360 daily rates. In particular, a person who fails to pursue an occupation that would enable him or her to fulfill this obligation shall also be in breach of his or her duty to provide maintenance.

2) If the offender relapses (section 39) or if the offence results in neglect or considerable damage to the health or physical or mental development of the creditor, the offender shall be punished with imprisonment for a term not exceeding two years, but if the offence results in the death of the creditor, with imprisonment for a term not exceeding three years.

3) The offender shall not be punished under subsection (1) if he pays in full the maintenance amounts covered by the request for prosecution by the end of the trial.303

§ 198

Neglect of care, education or supervision

Any person who grossly neglects the care, upbringing or supervision of a minor incumbent upon him or her by virtue of a law and thereby, even if only negligently, causes the minor to become neglected shall be liable to a custodial sentence not exceeding six months or to a monetary penalty not exceeding 360 daily penalty units.

§ 199

Imputation of a child

A person who impersonates a child shall be punished by imprisonment for a term not exceeding one year or by a fine not exceeding 720 daily penalty units.

10. Section

Criminal acts against sexual self-determination and other sex-related offenses

§ 200

Rape

1) Whoever assaults a person by force, by deprivation of personal liberty or by threat of present danger to life or limb (sec.

89) coerces a person to perform or tolerate coitus or a sexual act equivalent to coitus shall be punished by imprisonment for a term of one to ten years.

2) If the act results in grievous bodily harm (section 84 (1)) or pregnancy of the person raped, or if the act causes the person raped to be placed in a state of agony for a prolonged period of time or to be humiliated in a special way, the perpetrator shall be punished by imprisonment for a term of five to five-ten years, but if the act results in the death of the person raped, the perpetrator shall be punished by imprisonment for a term of ten to twenty years or for life.

§ 201

Sexual assault

1) Whoever, except for the cases under § 200, coerces a person to perform or tolerate a sexual act by force or by dangerous threat, shall be punished by imprisonment for a term of six months to five years.

2) If the act results in serious bodily injury (section 84 (1)) or in pregnancy of the coerced person, or if the act causes the coerced person to be placed in an agonizing condition for a longer period of time or to be humiliated in a special way, the offender shall be punished with imprisonment for a term of five to fifteen years, but if the act results in the death of the coerced person, with imprisonment for a term of ten to twenty years or with life imprisonment.

§ 202

Retrieved

§ 203

Sexual harassment

1) Any person who, directly or indirectly with the help of information or communication technologies, performs a sexual act in front of another person who does not expect it and thereby causes justified annoyance, or any person who, directly or indirectly with the help of information or communication technologies, sexually harasses a person in a gross manner by means of words, shall, upon request, be punished by imprisonment of up to six months or a fine of up to 360 daily penalty units.

2) Any person who has committed sexual harassment under subsection 1 under the circumstances of the

§ Section 212 (1) or (2), shall be punished by imprisonment for not more than one year or a fine of not more than 720 daily penalty units.

3) A person who sexually molests a minor within the meaning of subsection 1 shall be punished by imprisonment for not more than three years.

§ 204

Sexual abuse of a defenseless or mentally impaired person

1) Whoever abuses a defenceless person or a person who is incapable of understanding the meaning of the act or of acting in accordance with this understanding because of a mental illness, because of a mental handicap, because of a profound disturbance of consciousness or because of another serious mental disturbance equivalent to one of these conditions, takes advantage of this condition by having sexual intercourse or a sexual act equivalent to sexual intercourse with her or by having her perform or tolerate sexual intercourse or a sexual act equivalent to sexual intercourse with another person.

person or, in order to excite or satisfy himself or a third person sexually, induces a person to perform a sexual act on himself which is equivalent to coitus, shall be punished by imprisonment for a term of one to ten years.

2) Any person who sexually abuses a defenceless or mentally impaired person (subsection 1) by taking advantage of this condition, except in the case of subsection 1, or who induces such person to engage in a sexual act with another person or, in order to excite or satisfy himself or a third person sexually, to engage in a sexual act on himself or herself, shall be liable to a custodial sentence of from six months to five years.

3) If the act results in serious bodily injury (Section 84 (1)) or pregnancy of the abused person, or if the act causes the abused person to be placed in an agonizing condition for a prolonged period of time or to be humiliated in a special manner, the offender shall be punished by imprisonment for a term of five to five-ten years, but if the act results in the death of the abused person, the offender shall be punished by imprisonment for a term of ten to twenty years or for life.

§ 204a

Violation of sexual self-determination

1) Whoever engages in coitus or a sexual act equivalent to coitus with a person against that person's will, taking advantage of a coercive situation or after previous intimidation, shall be punished, unless the act is punishable by a more severe penalty under another provision, by imprisonment for not more than two years.

2) A person shall also be punished who, in the manner described in subsection (1), causes a person to perform or tolerate coitus or a sexual act equivalent to coitus with another person, or, in order to excite or satisfy himself or a third person sexually, causes a person to perform a sexual act equivalent to coitus involuntarily on himself.

§ 205

Serious sexual abuse of minors

1) A person who engages in coitus or a sexual act equivalent to coitus with a minor shall be punished by imprisonment for a term of one to ten years.

2) The same shall apply to any person who induces a minor to carry out or

The offender shall be deemed to have committed sexual intercourse or a sexual act equivalent to sexual intercourse with another person or, in order to sexually arouse or gratify himself or a third person, to have engaged in a sexual act equivalent to sexual intercourse with himself.

3) If the act results in grievous bodily harm (section 84 (1)) or pregnancy of the minor, or if the act places the minor in a state of agony for a prolonged period of time or humiliates the minor in a special way, the offender shall be liable to imprisonment for a term of five to fifteen years, but if the act results in the death of the minor, the offender shall be liable to imprisonment for a term of five to fifteen years.

The offender shall be liable to imprisonment for a term of ten to twenty years, or to life imprisonment, as the case may be.

4) If the age of the perpetrator does not exceed the age of the minor by more than three years, if the act does not place the minor in a state of agony for a prolonged period of time or humiliate the minor in a special way, and if the act does not result in serious bodily injury (Article 84(1)) or the death of the minor, the perpetrator shall not be punished under subsections (1) and (2) unless the minor has not yet reached the age of twelve.

§ 206

Sexual abuse of minors

1) Any person who, except in the case of section 205, performs a sexual act on a minor or has a minor perform such act on him or her shall be punished by imprisonment for a term of six months to five years.

2) It shall also be punished whoever induces a minor to engage in a sexual act (subsection 1) with another person or, in order to sexually arouse or satisfy himself or a third person, to engage in a sexual act on himself.

3) If the act results in serious bodily injury (Section 84 (1)) or if the act causes the minor to be placed in an agonizing condition for a prolonged period of time or to be humiliated in a special way, the offender shall be punished by imprisonment for a term of five to fifteen years, but if the act results in the death of the minor, the offender shall be punished by imprisonment for a term of ten to twenty years or by life imprisonment.

4) If the age of the perpetrator does not exceed the age of the minor by more than three years, the act does not place the minor in a state of agony for a prolonged period of time or humiliate the minor in a special way, and the act does not cause serious bodily injury (section 84(1)) or death.

of the minor, the offender shall not be punished under subsections (1) and (2) unless the minor has not yet reached the age of twelve.

§ 207

Moral endangerment of minors or juveniles

1) Any person who performs an act which is likely to endanger the moral, mental or health development of minors or adolescents, directly or indirectly with the aid of information or communication technologies in front of a minor or an adolescent subject to his or her education, training or supervision, in order to sexually arouse or satisfy himself or a third party, is liable to a custodial sentence not exceeding one year or to a monetary penalty not exceeding 720 daily penalty units, unless the circumstances of the case exclude any risk to the minor or adolescent.

2) If the act results in serious bodily injury (section 84(1)), the offender is liable to a custodial sentence not exceeding three years.321

3) If the age of the offender in the first case under subsection (1) does not exceed the age of the minor by more than three years, the offender under the first case under subsection (1) shall not be punished unless the minor has not yet reached the age of twelve.322

§ 208

Sexual abuse of minors

1) A person who, having reached the age of eighteen, is a person who has not yet reached the age of sixteen,

1. taking advantage of their lack of capacity for sexual self-determination or

2. using an emergency situation

sexually abuses or induces to engage in a sexual act with another person, or in order to sexually arouse or gratify himself or a third person, to engage in a sexual act on himself, shall be punished by imprisonment for a term not exceeding three years.

2) Likewise, whoever, for remuneration, sexually abuses or induces a person who has not reached the age of eighteen to perform a sexual act with another person, or in order to sexually arouse or satisfy himself or a third person, shall be punished.

3) If the sexual abuse in the cases under subsection 1 or 2 consists of coitus or a sexual act equivalent to coitus, the offender shall be punished by imprisonment for a term of six months to five years.

4) If the act under subsection (1), (2) or (3) results in serious bodily injury (section 84(1)), the offender shall be punished by imprisonment for a term of one to ten years.

§ 209

Initiation of sexual contact with minors

1) Whoever, with the help of information or communication technologies or in any other way, deceiving about his intent, proposes or agrees to a personal approach or a personal meeting with a minor with the intent to commit against him an offense under

§§ Sections 200, 201, 204, 205, 206 or 219 (1) (1), shall, if a preparatory act has already been committed with a view to such a meeting, be punished with a term of imprisonment of up to three years.

2) Whoever becomes a minor with the intent to commit a criminal act under § Section 219(1)(2) or (4) in relation to a pornographic depiction (Section 219(5)) of that person, establishes contact by means of information or communication technologies, shall be liable to a custodial sentence not exceeding one year or to a monetary penalty not exceeding 720 daily penalty units.

3) Pursuant to subsections (1) and (2), a person who voluntarily and before the authority (section 151(3)) has learned of his fault abandons his project and discloses his fault to the authority shall not be punished.

§ 209a

Indecent influence on minors

1) Whoever causes a minor to witness a sexual act for sexual reasons shall be punished by imprisonment for not more than three years.

2) If the age of the perpetrator does not exceed the age of the minor by more than three years and if the sexual acts are not punishable acts under sections 200, 201, 204 to 206 or 208, the perpetrator shall not be punished under subsection (1) unless the minor has not reached the age of twelve.

§ 210

Offering for prostitution

1) A person who offers himself for prostitution is liable to imprisonment for a term of up to six months.

or to be fined up to 720 daily rates.

2) Offering within the meaning of subsection 1 is any conduct aimed at initiating relations for the purpose of engaging in prostitution in a manner likely to cause justifiable public nuisance.

§ 211

Incest

1) A person who engages in coitus or a sexual act equivalent to coitus with a person related to him in a direct line shall be punished by a term of imprisonment of up to one year or a fine of up to 720 daily penalty units.

2) A person who entices a person to whom he is related in descending line to have coitus or a sexual act equivalent to coitus shall be punished by imprisonment for not more than three years.

3) A person who engages in coitus or a sexual act equivalent to coitus with his brother or sister shall be punished by imprisonment for a term not exceeding six months or by a fine not exceeding 360 daily penalty units.333

4) A person who has not reached the age of eighteen at the time of the act shall not be punished for incest if he or she has been seduced to commit the act.

§ 212

Abuse of a relationship of authority

1) Any person who sexually abuses a minor person related to him or her in descending line, his or her minor adopted child, stepchild or ward, and any person who, taking advantage of h i s o r h e r position vis-à-vis a minor person under his or her education, training or supervision, induces such minor person to engage in a sexual act with another person or, in order to sexually arouse or satisfy himself or herself or a third person, to engage in a sexual act with himself or herself, shall be punished by imprisonment for not more than three years.

2) Likewise, anyone who336

1. as a physician, member of a health profession regulated by law, or caregiver with a person receiving professional care,

2. as an employee of an educational institution or otherwise as a person employed in an educational institution, a person cared for in the institution,

3. as a public official, a person entrusted to his or her official care,

4. a person entrusted to him or her for counseling, treatment or care because of a mental or emotional illness or disability, including addiction; or

5. a person who is dependent on him or her by reason of compulsion, employment, or the like,

taking advantage of his or her position with respect to that person, either sexually abuses or induces to engage in a sexual act with another person or, in order to sexually arouse or satisfy himself or herself or a third person, engages in a sexual act with himself or herself.

3) If the act results in grievous bodily harm (Section 84(1)), the offender shall be punished by imprisonment for a term of six months to five years.

§ 213

Pandering

1) Whoever induces a person with whom he is in one of the relationships specified in Section 212, under the conditions specified therein, to engage in sexual acts with another person or causes the personal approach of a minor with another person for the performance of a sexual act, shall be punished by imprisonment for not more than three years.

2) If the perpetrator acts in order to gain a pecuniary advantage for himself or another person, he shall be punished with imprisonment from six months to five years.

§ 214

Paid mediation of sexual contacts with minors

1) Whoever causes the personal approach of a minor with another person to perform a sexual act in order to obtain a pecuniary advantage for himself or another shall be punished by imprisonment for a term of six months to five years.

2) Whoever, except in the case of subsection 1, causes the personal approach of a minor with another person for the performance of a sexual act in order to obtain a pecuniary advantage for himself or another person, shall be punished by imprisonment for a term of six months to two years.

§ 215

Feeding to prostitution

1) Whoever leads a person into prostitution shall be punished by imprisonment for a term not exceeding two years.

2) Retrieved

§ 215a

Promotion of prostitution and pornographic performances of minors

1) Any person who recruits a minor, even if he or she is already engaged in prostitution, to engage in prostitution or to participate in a pornographic performance, or who offers or procures such a person to engage in prostitution or to participate in a pornographic performance, shall be punished by a term of imprisonment of six months to five years. It shall also be punishable whoever takes advantage of a minor who is engaged in prostitution or participates in a pornographic performance in order to gain a pecuniary advantage for himself or another person.

2) Any person who commits an act against a minor, in the context of a criminal organization, using serious violence or in such a way that the act endangers the life of the person intentionally or through gross negligence (Section 6(3)), or the act results in a particularly serious disadvantage for the person, shall be liable to a custodial sentence of one to ten years.344

3) Anyone who performs a sexual act on himself, on another person or with an animal, which is reduced to himself, detached from other expressions of life and serves the sexual arousal of a viewer, or who has such a sexual act performed on him or who displays his genitals or pubic region in such a way, participates in a pornographic performance.

4) A person who knowingly attends a pornographic performance in which minors participate is liable to a custodial sentence not exceeding three years.

§ 216

Pimping

1) A person who, with the intent to obtain a continuing income from the prostitution of another person, exploits that person shall be punished by imprisonment for not more than two years.

2) A person who, with the intent to obtain a continuing income from the prostitution of another person, exploits that person, intimidates that person, prescribes the conditions of prostitution to that person, or exploits several such persons at the same time, shall be punished by imprisonment for not more than three years.347

3) A person who discourages a person from giving up prostitution by intimidation is also liable to imprisonment for a term of six months to five years.348

4) Whoever commits an act punishable under subsection (1) or (2) as a member of a

criminal organization is punishable by a term of imprisonment of six months to five years.349

5) The offender shall be punished by imprisonment for a term of six months to five years if the person exploited has not reached the age of eighteen.350

§ 217

Cross-border prostitution trade

1) Any person who introduces a person to prostitution in a state other than that of which he is a national or in which he has his habitual residence, even if he is already a prostitute, or recruits him for this purpose, shall be punished by imprisonment for a term of six months to five years, but if he commits the act commercially, by imprisonment for a term of one to ten years.

2) Whoever induces a person (subsection 1) to engage in prostitution in a state other than that of which he or she is a national or in which he or she has his or her habitual residence, with the intention that he or she will engage in prostitution, by deceiving him or her about this intention, or by force or dangerous threat

coerces them to go to another state or transports them to another state by force or by taking advantage of their being mistaken about this intention, shall be punished by imprisonment for a term of one to ten years.

§ 218

Exhibitionism

Any person who engages in sexual conduct in public and under circumstances in which his conduct is likely to cause justifiable annoyance by direct perception shall be liable to a custodial sentence not exceeding six months or to a monetary penalty not exceeding 360 daily penalty units.

§ 218a

Pornography

1) Whoever offers, shows, hands over or otherwise makes available pornographic writings, sound or image recordings, illustrations, other objects of such kind or pornographic performances to a person who has not yet reached the age of sixteen or distributes them by radio, television or other electronic media shall be punished by imprisonment of up to six months or a fine of up to 360 daily penalty units.

2) Whoever publicly exhibits objects or demonstrations within the meaning of par. 1

or shows them or otherwise offers them to someone without being asked is liable to a custodial sentence not exceeding three months or to a monetary penalty not exceeding 180 daily penalty units. Anyone who informs visitors to exhibitions or indoor performances in advance of their pornographic nature shall remain exempt from punishment.357

3) Any person who manufactures, imports, stores, markets, advertises, exhibits, offers, displays, transfers or makes available objects or performances within the meaning of subsection 1 that involve sexual acts with animals, human excretions or acts of violence is liable to a custodial sentence not exceeding two years.358

4) Any person who obtains or possesses objects or demonstrations as defined in subsection 1 that involve acts of violence is liable to a custodial sentence not exceeding one year.359

5) Anyone who commits the acts described in paras. 1 to 3 on a commercial basis or as a member of a criminal organization is liable to a custodial sentence of up to three years.360

6) Objects or performances within the meaning of this provision are not pornographic if they have a cultural or scientific value worthy of protection.361

§ 219

Pornographic depictions of minors

1) Whoever makes a pornographic depiction of a minor (para. 5)

1. manufactures or

2. offers, procures, hands over, presents or otherwise makes accessible to another,

shall be punishable by a term of imprisonment of up to three years.

2) Anyone who produces, imports, transports or exports a pornographic depiction of a minor (para. 5) for the purpose of distribution or commits an act in accordance with para. 1 on a commercial basis is liable to a custodial sentence of six months to five years.364

3) A person who commits the act as a member of a criminal organization or in such a way that it results in a particularly serious disadvantage to the minor shall be punished with imprisonment for a term of one to ten years; likewise, a person who produces a pornographic depiction of a minor (subsection 5) using serious violence or who, in the course of production, endangers the life of the depicted person shall be punished with imprisonment for a term of one to ten years.

minors are endangered by intent or gross negligence (Section 6 (3)).365

4) A penalty of imprisonment of up to two years shall be imposed on anyone who366

1. obtains or possesses a pornographic depiction of a minor (subsection 5),

or

2. knowingly accesses a pornographic depiction of a minor using information or communication technologies.

5) Pornographic depictions of minors are

1. Images or pictorial depictions of a sexual act on a minor or a minor on himself or herself, on another person, or with an animal,

2. Images or pictorial representations of the genitals or pubic area of minors, insofar as they are reduced to themselves and detached from their life expressions, which serve the sexual arousal of the viewer.

6) According to subsection 1(1) and subsection 4(1), anyone who produces or possesses a pornographic depiction of a juvenile with his or her consent and for his or her own use is not to be punished.367

6a) Furthermore, it is not to be punished who368

1. in the cases of subsections 1, 2 and 4(1), produces, possesses or offers to others for their own use, procures, provides, presents or otherwise makes available a pornographic depiction of a juvenile person, or

2. is a pornographic depiction of a minor person sitting by himself.

7) Objects or performances within the meaning of this provision are not pornographic if they have a cultural or scientific value worthy of protection.

§ 220

Activity ban

1) If the offender has committed a criminal offense against sexual self-determination or another sexually related offense against a minor and, at the time of the offense, was engaged in gainful employment or other activity in an association or

If a person has exercised or intends to exercise an activity in another institution which includes the education, training or supervision of minors or other intensive contacts with minors, he shall be prohibited from exercising this and similar activities for a period of not less than one and not more than five years, if there is a risk that he will otherwise, taking advantage of an opportunity offered by such an activity, commit another such criminal act with not merely minor consequences.

2) If there is a risk that the perpetrator will commit criminal acts of the kind referred to in subsection 1 with serious consequences while performing the activity, or if the perpetrator has committed a criminal act of the kind referred to in subsection 1 by taking advantage of the opportunity offered to him by his activity, although at the time of the act he was not allowed to perform this activity, the perpetrator shall be deemed to have committed a criminal act of the kind referred to in subsection 1.

If a person has been banned by a criminal court, the ban shall be imposed for an indefinite period of time.

3) If circumstances subsequently arise or become known which, had they existed at the time of the judgment, would not have resulted in a ban on activity, the court shall lift the ban on activity.

4) In the case of a prohibition of activity imposed for an indefinite period of time, the court shall review at least every two years whether the requirements under para. 2 are met.

5) The duration of the ban begins when the decision imposing the ban becomes final. Periods during which the offender is stopped by order of the authorities are not included in this period.

6) Any person who engages in an activity while knowing that he has been prohibited from engaging in it under the above provisions shall be liable to a custodial sentence not exceeding six months or to a monetary penalty not exceeding 360 daily penalty units.

§ 221

Retrieved

11. Animal

cruelty

section

§ 222

Cruelty to animals

Retrieved

12. Section

Criminal acts against the reliability of documents and evidence

§ 223

Forgery of documents

1) Any person who produces a false document with the intention of falsifying a genuine document with the intention that it will be used in legal transactions to prove a right, a legal relationship or a fact shall be liable to a custodial sentence not exceeding one year or to a monetary penalty not exceeding 720 daily penalty units.

2) Likewise, anyone who uses a false or falsified document in legal proceedings to prove a right, a legal relationship or a fact shall be punished.

§ 224

Forgery of specially protected documents

Any person who commits any of the acts punishable under Section 223 in relation to a domestic public document, a foreign public document if it is treated as equivalent to a domestic public document by law or by an intergovernmental treaty, a testamentary disposition, or a security not referred to in Section 237, shall be punished by imprisonment for not more than two years.

§ 224a

Acceptance, transfer or possession of false or falsified specially protected documents

Any person who takes a false or falsified specially protected document (Section 224) from another, obtains it for himself or another, transports it, hands it over to another or otherwise possesses it, with the intention that it will be used in legal transactions to prove a right, a legal relationship or a fact, shall be liable to a custodial sentence not exceeding one year or to a monetary penalty not exceeding 720 daily penalty units.

§ 225

Forgery of public certification marks

1) Any person who counterfeits or falsifies a public certification mark on an object, substitutes another object for a public certification mark, or substantially alters an object bearing such a mark, shall be punished by imprisonment for not more than two years if he acts with the intent that the object be used in legal transactions.

2) It shall also be a punishable offence to use in legal transactions an item bearing a forged or falsified official certification mark, an item subordinated to an official certification mark, or an item substantially altered after such a mark has been affixed.

3) A public certification mark is any mark that a public official within the scope of his or her official authority or a person having public trust within the scope of his or her assigned business has affixed to a thing in the prescribed form in order to certify a fact relating to the thing.

§ 225a

Data falsification

Any person who, by entering, altering, deleting or suppressing data, creates false data with the intention of falsifying real data or falsifies real data with the intention of using it in legal transactions to prove a right, a legal relationship or a fact shall be liable to a custodial sentence not exceeding one year or to a monetary penalty not exceeding 720 daily penalty units.

§ 226

Active repentance

1) Pursuant to sections 223 to 225a, a person shall not be punished who, voluntarily, before the false or falsified document, the thing bearing the counterfeit or falsified public certification mark, or the thing subordinated to a public certification mark, or the thing substantially altered after the affixing of such mark, or the false or falsified data, has been used in legal transactions, by destroying the document, the certification mark, or the data or

otherwise eliminates the risk that the document, thing or data will be used in the manner specified in sections 223 to 225a.

2) If the danger of such use does not exist or has been eliminated without the perpetrator's intervention, he shall not be punished if, unaware of it, he voluntarily and earnestly endeavors to eliminate it.

§ 227

Preparation of forgery of public documents or certification marks

1) Any person who, with intent to defraud himself or herself or to defraud another person, forges a document relating to a domestic public document or a foreign public document.

A person who, by law or intergovernmental treaty, equates a document with a domestic public document (Section 224), or who, in order to facilitate the forgery of a public certification mark (Section 225), makes, procures for himself or for another person, or keeps for sale or gives to another person, a means or tool which, by its special nature, is obviously intended for such a purpose, shall be punished with imprisonment for not more than one year or with a fine of not more than 720 daily penalty units.

2) Pursuant to subsection (1), a person shall not be punished who voluntarily, before the means or instrument has been used to commit one of the criminal acts specified therein, eliminates the danger of such use by destroying it or in any other way. § Section 226 (2) shall apply mutatis mutandis.

§ 228

Indirect incorrect certification or authentication

1) Any person who, acting in good faith, causes a right, a legal relationship or a fact to be incorrectly recorded in a domestic public document or causes an incorrect public certification mark to be affixed to a document shall, if he acts with the intent that the document will be used in legal transactions to prove the right, the legal relationship or the fact or that the thing will be used in legal transactions, be liable to a custodial sentence not exceeding one year or to a monetary penalty not exceeding 720 daily penalty units.

2) Likewise, a person shall be punished who uses an incorrect domestic public document produced in good faith, the incorrectness of which is proved by him or by a

The person who uses in legal transactions a thing that has been bona fide marked with an incorrect official certification mark, the incorrect affixing of which was caused intentionally by him or a third party, as proof of the right, legal relationship or fact.

3) § Section 226 shall apply mutatis mutandis.

§ 229

Document suppression

1) Any person who destroys, damages or suppresses a document which he is not entitled to dispose of or is not entitled to dispose of alone shall, if he acts with the intent to prevent it from being used in legal transactions as evidence of a right, a legal relationship or a fact, be liable to a custodial sentence not exceeding one year or to a monetary penalty not exceeding 720 daily penalty units.

2) According to para. 1 is not to be punished who voluntarily suppresses the document,

before it was to be used in legal transactions, reverses it or otherwise causes the act not to interfere with the evidence which the instrument was intended to serve.

§ 230

Relocation of boundary signs

1) Any person who, with intent to create or suppress evidence of a fact of legal significance, incorrectly places, dislocates, removes or obscures a sign intended to designate the boundary or water level shall be punished by imprisonment for not more than two years.

2) Under subsection (1), a person shall not be punished who voluntarily corrects or restores the sign before it should be or has been used as evidence, or otherwise causes the act not to hinder the evidence that the sign was intended to serve.

§ 231

Use of foreign identity cards

1) Any person who uses an official identification document issued for another person in legal relations as if it were issued for him or her shall be liable to imprisonment.

penalty of up to six months or a fine of up to 360 daily rates.

2) It shall also be punishable whoever hands over an official identity document to another with the intention that it will be used by a non-authorized person in legal transactions as if it had been issued for him.

3) Pursuant to subsection 2, a person shall not be punished who voluntarily takes back an identity document before it has been used by an unauthorized person in legal transactions or who otherwise eliminates the danger that the official identity document will be used in the manner specified in subsection 2.

13. Section

Criminal acts against the security of circulation of money, securities, tokens and non-cash means of payment

§ 232

Counterfeit money

1) Any person who counterfeits or falsifies money with the intent that it be marketed as genuine and unaltered shall be punished by imprisonment for a term of one to ten years.

2) Any person who accepts such counterfeit or falsified currency with the consent of a participant in the counterfeiting (Article 12) or of an intermediary with the intention of putting it into circulation as genuine and unadulterated shall also be punished.

§ 233

Passing on and possession of counterfeit or falsified money

1) Who counterfeit or falsified money

1. imports, exports, transports, takes from another, otherwise obtains or possesses with the intent that it be passed off as genuine and unadulterated, except in the case referred to in § 232, subsection 2, or

2. as genuine and unadulterated,

shall be punishable by a term of imprisonment of up to five years.

2) A person who commits the offense of counterfeiting or falsifying money with a nominal value of more than 300,000 francs shall be punished by imprisonment for a term of one to ten years.

§ 234

Reduction of money coins and passing of reduced money coins

1) Whoever reduces a monetary coin with the intent that it be passed off as full value shall be punished by imprisonment for a term of six months to five years.

2) Who reduced money coin

1. with the intent that it be passed off as full value, takes it from another or obtains it in any other way, or

2. as full-fledged,

shall be punished by imprisonment for a term of up to three years. Whoever commits the act on reduced currency coins, the nominal value of which exceeds 300,000 francs, shall be punished by imprisonment for a term of six months to five years.

§ 235

Taking possession of, concealing, or negotiating the disposal of coins

Any person who buys, takes in pledge or otherwise takes possession of, conceals or trades in the metal obtained from another by reducing coins (Section 234(1)) shall be liable to a custodial sentence not exceeding one year or to a monetary penalty not exceeding 720 daily rates.

§ 236

Passing counterfeit money or reduced coins

1) A person who passes on counterfeit or falsified money or a reduced coin as genuine and unaltered or as full value, if he or another person received the money or coin for him in good faith as genuine and unaltered or as full value, without thereby committing a criminal offense, shall be punished by imprisonment for not more than one year or by a fine not exceeding 720 daily rates.

2) A person shall also be punished who commits any of the acts referred to in subsection (1) on behalf of another who, without thereby committing a criminal offence, the

The person who has received the money or the coin in good faith as genuine and unadulterated or as having full value.

§ 237

Counterfeiting of specially protected securities

Under sections 232, 233 or 236, a person shall also be punished who commits any of the acts punishable thereunder in relation to government or bank bills that are not legal tender, mortgage bonds, bonds, shares or other share certificates, interest coupons, participation certificates, dividend coupons or renewal coupons, provided that such securities are made out to bearer.

§ 238

Counterfeiting of stamps

1) Any person who counterfeits or falsifies an official value mark with the intent that it be used as genuine and unaltered shall be liable to a custodial sentence not exceeding three years.

2) Whoever uses such a counterfeit or falsified value mark

1. with the intent that it be exploited as genuine and unaltered, takes it from another or obtains it in any other way, or

2. as genuine and unadulterated,

shall be punishable by a term of imprisonment of up to two years.

3) Official stamps certifying the payment of a fee or other charge are also considered official stamps.

4) The reuse of an already used official stamp is not punishable by law.

§ 239

Preparation of counterfeiting of currency, securities or stamps

Whoever, with the intent to enable himself or another to commit one of the acts punishable under §§ 232, 234, 237 or 238, makes a means or tool which, by its particular nature, is obviously intended for such a purpose,

or another, is punishable by a term of imprisonment of up to two years.

§ 240

Active repentance

1) A person shall not be punished for any of the acts punishable under sections 232 to 234 and 237 to 239 who voluntarily

1. abandons his activity designated therein before its completion,

2. destroys the counterfeit or falsified money, such securities or tokens or the reduced money coins as well as the counterfeiting devices (Section 239) or hands them over to the authority (Section 151 (3)), provided he still possesses these objects, and

3. eliminates, by notification to this authority or otherwise, the risk that, as a result of his activity or the activity of other parties involved in the undertaking, counterfeit or falsified money or such a security is put into circulation or issued as genuine and un- falsified, or a reduced coin is put into circulation or issued as fully valid, or a counterfeit or falsified token is exploited as genuine and un- falsified, as long as no attempt has yet been made to bring about one of these results.

2) The perpetrator shall also not be punished if the dangers referred to in subsection (1) do not exist or are eliminated without his intervention, but he voluntarily and earnestly endeavors to eliminate them in ignorance thereof.

§ 241

Foreign money, securities and stamps

The provisions of this section shall also apply to foreign money, securities and tokens.

§ 241a

Counterfeiting of non-cash means of payment

1) Any person who produces a counterfeit non-cash means of payment or falsifies a genuine non-cash means of payment with the intent that it may be used in legal relations

The use of the device as a genuine one is punishable by up to three years' imprisonment.

2) Anyone who commits the act on a commercial basis or as a member of a criminal organization is liable to a custodial sentence of six months to five years.

§ 241b

Acceptance, transfer or possession of counterfeit or falsified non-cash means of payment

Any person who takes a counterfeit or falsified non-cash means of payment from another, obtains it for himself or another, transports it, hands it over to another or otherwise possesses it, with the intention that it will be used in legal transactions as if it were genuine, shall be liable to a custodial sentence not exceeding one year or to a monetary penalty not exceeding 720 daily penalty units.

§ 241c

Preparation of the counterfeiting of non-cash means of payment

Any person who, with the intent to enable himself or another person to counterfeit a non-cash means of payment, makes, takes from another person, obtains for himself or another person, gives to another person or otherwise possesses a means or tool which, by its particular nature, is obviously intended for such a purpose, shall be liable to a custodial sentence not exceeding one year or to a monetary penalty not exceeding 720 daily penalty units.

§ 241d

Active repentance

1) A person who voluntarily, before the counterfeit or falsified non-cash means of payment has been used in legal transactions, destroys the non-cash means of payment or, before the means or tool has been used to counterfeit a non-cash means of payment, destroys the means or tool, or otherwise eliminates the risk of such use, shall not be punished for any of the acts punishable under sections 241a to 241c.

2) If the danger of such use does not exist or has been eliminated without the perpetrator's intervention, he shall not be punished if, unaware of it, he voluntarily and earnestly endeavors to eliminate it.

§ 241e

Alienation of non-cash means of payment

1) Any person who acquires a non-cash means of payment which he does not have, or does not have alone, at his disposal.

with the intent that he or a third party will be unlawfully enriched by its use in legal transactions shall be punished by a term of imprisonment of up to two years. Similarly, anyone who obtains a non-cash means of payment which he is not allowed to dispose of or is not allowed to dispose of alone, with the intention of enabling himself or another person to counterfeit non-cash means of payment (Section 241a), shall be punished.

2) Whoever commits the act on a commercial basis or as a member of a criminal organization shall be punished by imprisonment for a term of six months to five years.

3) Any person who destroys, damages or suppresses a non-cash means of payment over which he has no or no sole right of disposal, with the intention of preventing its use in legal transactions, shall be liable to a custodial sentence not exceeding one year or to a monetary penalty not exceeding 720 daily penalty units.

§ 241f

Acceptance, transfer or possession of alienated non-cash means of payment

Any person who, with the intent that he or a third party may be unlawfully enriched by the use of an alienated non-cash means of payment, or with the intent to enable himself or another person to counterfeit non-cash means of payment (Section 241a), takes from another person, provides to himself or another person, transports, hands over to another person or otherwise possesses such means of payment, shall be liable to a custodial sentence not exceeding one year or to a monetary penalty not exceeding 720 daily penalty units.

§ 241g

Active repentance

1) Under Sections 241e and 241f, a person shall not be punished who, voluntarily, before the non-cash means of payment has been used in legal transactions or for counterfeiting a non-cash means of payment, eliminates the risk of such use by handing it over to the authority (Section 151(3)) or in any other way.

2) If the danger of such use does not exist or has been eliminated without the perpetrator's intervention, he shall not be punished if, unaware of it, he voluntarily and earnestly endeavors to eliminate it.

§ 241h

Spying out data of a non-cash means of payment

1) Whoever spies data of a non-cash means of payment with the intent,

1. that he or a third party is unjustly enriched by their use in legal transactions or

2. to counterfeit non-cash means of payment (§ 241a),

shall be punished by imprisonment for a term not exceeding one year or by a fine not exceeding 720 daily penalty units.

2) Anyone who commits the act on a commercial basis or as a member of a criminal organization is liable to a custodial sentence not exceeding three years.

3) The perpetrator shall not be punished if he voluntarily, before the spied-out data within the meaning of para. 1 item 1 or 2 have been used, eliminates the danger of their use by notifying the authority, the authorized person or in any other way. If the danger of such use does not exist or has been eliminated without the perpetrator's intervention, the perpetrator shall not be punished if he voluntarily and seriously endeavors to eliminate it in ignorance thereof.

14. Section

Treason and other attacks against the state

§ 242

Treason

1) Any person who undertakes to change the Constitution of the Principality of Liechtenstein by force or by threat of force or to secede from a territory belonging to the Principality of Liechtenstein shall be liable to a custodial sentence of from ten to twenty years.

2) An enterprise within the meaning of paragraph 1 exists even in the case of an attempt.

§ 243

Active repentance

1) The perpetrator shall not be punished for high treason if he voluntarily abandons the execution or, if more than one is involved, prevents it, or if he voluntarily averts success.

2) The perpetrator shall not be punished even if the execution or the success fails to occur without his action, but he, unaware thereof, voluntarily and earnestly endeavors to prevent the execution or to avert the success.

§ 244

Preparation of treason

1) A person who conspires with another to jointly commit high treason shall be punished by imprisonment for a term of one to ten years.

2) Likewise, anyone who prepares high treason in any other way and thereby causes or substantially increases the danger of a high treasonous enterprise or who prepares high treason in collaboration with a foreign power shall be punished.

§ 245

Active repentance

1) The perpetrator shall not be punished for preparation of high treason if he voluntarily gives up his activity or, if several are involved in the preparation, prevents the high treason.

2) § Section 243 (2) shall apply mutatis mutandis.

§ 246

Anti-state connections

1) Any person who establishes an association whose purpose, even if not exclusive, is to unlawfully shake the independence, the constitutional form of government or a constitutional institution of the Principality of Liechtenstein shall be punished by imprisonment from six months to five years.

2) Likewise, anyone who takes a leading role in such a fraternity, recruits members for it or supports it with funds or otherwise in a significant way is to be punished.

3) Any person who otherwise participates in such a connection or supports it in a manner other than that specified in subsection 2 shall be punished by imprisonment for not more than one year or by a fine not exceeding 720 daily penalty units.

§ 247

Active repentance

According to § 246, a person shall not be punished who, voluntarily, before the authority (§ 151, subsection 3) has learned of his fault, discloses to such authority everything known to him about the connection and its plans at a time when it is still secret.

§ 247a

Anti-state movement

1) A person who founds or takes a leading part in a movement hostile to the state shall, if he or another participant has carried out or contributed to a serious act in which the anti-state orientation is manifested

clearly manifested, punishable by imprisonment for up to two years.

2) Any person who participates in such a movement with the intention of thereby promoting the commission of acts hostile to the state, or who supports it with substantial funds or otherwise in a substantial manner, shall be liable, subject to the condition of subsection 1, to a custodial sentence not exceeding one year or to a monetary penalty not exceeding 720 daily penalty units.

3) An anti-state movement is a group of many people who are directed to reject outright the sovereign rights of the Principality of Liechtenstein (country, municipalities or other self-government) or who continue to arrogate to themselves the exercise of such or claimed sovereign rights, and the purpose of which is to continue to unlawfully prevent the execution of laws, ordinances or other sovereign decisions of the authorities or to enforce the claimed or alleged sovereign rights in a manner which clearly manifests the anti-state orientation.

4) The offender shall not be punished under subsections (1) and (2) if the act is punishable by a more severe penalty under another provision.

5) Pursuant to subsections (1) and (2), a person shall not be punished who voluntarily and before the authorities have learned of his or her culpability withdraws from the movement in a manner that clearly indicates that the anti-state orientation is no longer supported.

§ 248

Denigration of the state and its symbols

1) Any person who, in such a way that the act becomes known to a broad public, hatefully insults or disparages the Principality of Liechtenstein shall be liable to a custodial sentence not exceeding one year or to a monetary penalty not exceeding 720 daily penalty units.

2) Any person who in the manner described in paragraph 1 spitefully insults, belittles or otherwise disparages a national flag or national ensign displayed on a public occasion or at an event open to the public, a national emblem displayed by a Liechtenstein authority or the national anthem shall be punished with imprisonment for not more than six months or with a fine of not more than 360 daily penalty units.

15. Section

Attacks on the highest state organs

§ 249

Violence and dangerous threat against the sovereign

Any person who undertakes (Section 242(2)) to depose the Prince Regnant by force or dangerous threat, or by any of these means to coerce or hinder him from exercising his powers at all or in a particular sense, shall be punished by imprisonment for a term of one to ten years.

§ 250

Coercion of the Diet or the Government

Any person who undertakes (section 242(2)) to coerce or prevent the Diet or the Government, by force or threat of force, from carrying out their

Exercising powers at all or in a certain sense shall be punishable by imprisonment for a term of one to ten years.

§ 251

Coercion of members of the state parliament or government

Any person who coerces or prevents a member of Parliament or of the Government from exercising his or her powers at all or in a specific sense by force or by dangerous threat shall be liable to imprisonment for a term of six months to five years and, in the case of aggravated coercion (section 106), to imprisonment for a term of one to ten years.

16. Section

Treason

§ 252

Betrayal of state secrets

1) Any person who discloses or makes accessible a state secret to a foreign power or to a supranational or intergovernmental institution shall be punished by imprisonment for a term of one to ten years.

2) Any person who discloses or makes accessible to the public a state secret shall be liable to a custodial sentence of six months to five years. If the state secret relates to facts endangering the constitution (para. 3), however, the offender shall only be punished if he acts with the intention of causing a disadvantage to the Principality of Liechtenstein. The erroneous assumption of facts endangering the constitution does not exempt the perpetrator from punishment.

3) Facts endangering the constitution are those which reveal efforts to eliminate the monarchical, democratic, parliamentary or constitutional structure of the Principality of Liechtenstein in an unconstitutional manner.

or to abolish or restrict a constitutionally guaranteed right or to repeatedly violate such a right.

§ 253

Disclosure of state secrets

1) Any person who, under a special legal obligation, is required to keep a secret which he knows to be a state secret, and who violates this obligation under circumstances in which the secret may become known or accessible to a foreign power, to a supranational or intergovernmental body, or to the public, shall be punished by imprisonment for not more than three years.

2) If the state secret concerns facts endangering the constitution (§ 252 para. 3), the perpetrator shall, however, only be punished if he acts with the intention of causing a disadvantage to the Principality of Liechtenstein. The erroneous assumption of facts endangering the constitution does not exempt the perpetrator from punishment.

§ 254

Spying on state secrets

1) Any person who withholds or obtains a state secret with the intention of making it known or accessible to a foreign power, a supranational or intergovernmental institution or to the public and thereby causing the risk of serious harm to the national defense of the Principality of Liechtenstein or to the relations of the Principality of Liechtenstein with a foreign power or a supranational or intergovernmental institution shall be liable to a custodial sentence of six months to five years.

2) § Section 253 (2) shall apply mutatis mutandis.

§ 255

Concept of state secret

For the purposes of this section, state secrets are facts, objects or knowledge, in particular writings, drawings, models and formulas, and reports thereon, which are accessible only to a limited circle of persons and must be kept secret from a foreign power or a supranational or intergovernmental institution in order to avoid the danger of serious disadvantage to the national defense of the Principality of Liechtenstein or to the relations of the Principality of Liechtenstein.

The aim is to prevent the company from becoming a part of a foreign power or a supranational or intergovernmental organization.

§ 256

Secret intelligence service to the detriment of the Principality of Liechtenstein

Any person who establishes or operates a secret intelligence service to the detriment of the Principality of Liechtenstein or who supports such an intelligence service in any way whatsoever shall be liable to a custodial sentence not exceeding three years.

§ 257

Favoring enemy forces

1) A Liechtenstein citizen who enters the service of the enemy armed forces or bears arms against the Principality of Liechtenstein during a war or armed conflict in which the Principality of Liechtenstein is involved shall be punished by imprisonment for a term of one to ten years.

2) Similarly, anyone who provides an advantage to the enemy armed forces during a war or armed conflict in which the Principality of Liechtenstein is involved, or in the event of an imminent threat of such a war or armed conflict, shall be punished. According to this provision, foreigners are only to be punished if they commit the act while in Liechtenstein.

§ 258

National treasonous falsification and destruction of evidence

1) Who

1. on a legal relationship between the Principality of Liechtenstein and a foreign power or a supranational or intergovernmental body, or

2. about a fact that is of importance for the relations between the Principality of Liechtenstein and a foreign power or a supranational or intergovernmental institution,

Fabricates a false piece of evidence or falsifies, destroys, damages or removes a genuine piece of evidence, thereby prejudicing the interests of the Principality of

Liechtenstein shall be punished by imprisonment for a term of six months to five years.

2) Likewise, anyone who makes use of such a false or falsified means of proof and thereby endangers the interests of the Principality of Liechtenstein shall be punished.

17. Section

Criminal acts against the national defense

§ 259

Violation of the duty of national defense

A person who violates his duty to defend the country in the event of a deployment shall be punished by imprisonment for a term of six months to five years.

§ 260

Weapons Sabotage

Any person who, contrary to an assumed obligation, fails to manufacture or supplies, or supplies defectively, a means of defense or a device or installation which serves exclusively or primarily for national defense or the protection of the civilian population against the dangers of war, or a material intended for such purpose, and thereby knowingly endangers national defense or the protection of the civilian population, shall be punished, unless the act is punishable by a more severe penalty under another provision, by imprisonment for a term of six months to five years.

18. Section

Criminal acts during elections and voting

§ 261

Scope

1) The provisions of this section shall apply to the conduct of elections and voting on public matters.

2) The signing of an election proposal or the procedure for a referendum, initiative, convocation of the Landtag or dissolution of the Landtag shall be equivalent to an election or vote.

§ 262

Election Disability

1) Any person who, by force or dangerous threat, coerces or induces another to vote or to vote at all or in a particular sense shall be liable to a custodial sentence not exceeding one year or to a monetary penalty not exceeding 720 daily penalty units, but, subject to the requirements of Section 106, to the penalties specified therein.

2) Any person who prevents another person from exercising his or her right to vote or to be elected by means other than coercion shall be liable to a custodial sentence not exceeding six months or to a monetary penalty not exceeding 360 daily penalty units.

§ 263

Deception during an election or vote

1) Any person who, by deception as to facts, causes or attempts to cause another person to be mistaken as to the content of his or her declaration when casting a vote or casts an invalid vote against his or her will shall be liable to a custodial sentence not exceeding six months or to a monetary penalty not exceeding 360 daily penalty units.

2) A person shall also be punished who, by deception concerning a circumstance relating to the conduct of the election or vote, causes or attempts to cause another person to refrain from voting.

§ 264

Spreading false news during an election or vote

1) A person who publicly disseminates false news about a circumstance that is likely to deter persons entitled to vote or to induce them to exercise the right to vote or to be elected in a certain sense, at a time when a counterstatement can no longer be effectively disseminated, shall be punished by imprisonment of up to six months or a fine of up to 360 daily penalty units.

2) Any person who uses a false or falsified document to make the false news appear credible shall be punished by imprisonment for not more than three years.

§ 265

Bribery in an election or vote

1) Any person who offers, promises or gives a consideration to a person entitled to vote or elect in order to make him vote or elect in a certain sense or not to vote or elect in a certain sense shall be punished by imprisonment for a term not exceeding one year or by a fine not exceeding 720 daily penalty units.

2) Likewise, a person entitled to vote or elect shall be punished who demands, accepts, or allows himself to be promised a payment for not voting or electing in a certain sense, or for not voting or electing in a certain sense.

§ 266

Forgery in an election or vote

1) Any person who, without being entitled to vote or elect, or otherwise improperly votes or elects, shall be liable to a custodial sentence not exceeding six months or to a monetary penalty not exceeding 360 daily penalty units.

2) Any person who falsifies the result of an election or vote shall be liable to a custodial sentence not exceeding three years.

§ 267

Preventing an election or vote

Any person who, by force or dangerous threat, prevents or intentionally disrupts an election, a vote or the ascertainment or announcement of its results shall be liable to a custodial sentence not exceeding three years.

§ 268

Violation of the secrecy of the ballot or vote

Any person who contravenes a written provision on the protection of the secrecy of the ballot or of voting with the intention of obtaining for himself or herself or for another person

The offender shall be liable to a custodial sentence not exceeding six months or to a monetary penalty not exceeding 360 daily penalty units.

19. Section

Criminal acts against the state authority

§ 269

Resistance to state power

1) Whoever obstructs an authority by force or by threat of force and whoever obstructs an official from performing an official act by force or by dangerous threat shall be punished by imprisonment for a term not exceeding three years, but in the case of aggravated coercion (Section 106) by imprisonment for a term of six months to five years.

2) Likewise, anyone who coerces an authority to perform an official act by force or by threat of force or coerces an official to perform an official act by force or by dangerous threat shall be punished.

3) An official act within the meaning of paras. 1 and 2 shall be deemed to be only an act by which the official, as an organ of sovereign administration or jurisdiction, exercises an authority or coercive power.

4) The perpetrator shall not be punished under subsection (1) if the authority or official is not authorized to perform the official act by its nature or if the official act violates provisions of criminal law.

§ 270

Assault on an officer

1) Any person who assaults an official during an official act (Section 269 (3)) shall be punished by imprisonment of up to six months or a fine of up to 360 daily penalty units.

2) § Section 269 (4) shall apply mutatis mutandis.

§ 271

Attachment
Breakdown

1) Any person who destroys, damages, defaces, renders useless or wholly destroys, damages, defaces, renders useless or wholly destroys any property that has been seized or taken into custody by an official

or in part from attachment or seizure shall be liable to a custodial sentence not exceeding six months or to a monetary penalty not exceeding 360 daily penalty units.

2) § Section 269 (4) shall apply mutatis mutandis.

3) Pursuant to subsection (1), a person shall not be punished who voluntarily, before the authority (section 151(3)) has become aware of his fault, returns the thing seized or confiscated.

§ 272

Broken seal

1) Any person who damages or detaches a seal which an official has affixed in the performance of his duties for the purpose of sealing or seizing or designating a thing, and any person who renders ineffective, in whole or in part, a seal effected by such a seal, shall be punished by imprisonment for not more than six months or by a fine not exceeding 360 daily rates.

2) § Section 269 (4) shall apply mutatis mutandis.

3) Pursuant to para. 1, a person shall not be punished who voluntarily, before the authority (§ 151 para. 3) has become aware of his fault, causes the object to be placed under lock and key or taken into custody again without material impairment of its purpose.

§ 273

Violation of official notices

1) Any person who destroys, damages, removes, alters or makes unrecognizable, in whole or in part, the contents of a document of which he knows (Section 5(3)) that it has been publicly posted or displayed by an authority for publication, and thereby frustrates or impairs the purpose of publication of that document, shall be liable to a custodial sentence not exceeding six months or to a monetary penalty not exceeding 360 daily penalty units.

2) § Section 269 (4) shall apply mutatis mutandis.

3) Pursuant to para. 1, a person shall not be punished who voluntarily, before the authority (sec. 151 para.

3) of his fault has the effect that the purpose of the announcement is achieved without substantial impairment.

20. Section

Criminal acts against public peace

§ 274

Serious community violence

1) Any person who knowingly participates in a gathering of many people with the intention that their combined forces will commit murder (Section 75), manslaughter (Section 76), bodily injury (Sections 84 to 87) or serious damage to property under Section 126(1)(5) or (2) shall, if such an act of violence has occurred, be liable to a custodial sentence not exceeding two years.

2) Any person who participates in such a meeting in a leading capacity or by inciting the commission of one of the punishable acts listed in subsection 1, or who, as a participant, carries out or contributes to the commission of such a punishable act (section 12), shall be punished by imprisonment for not more than three years.

3) Pursuant to subsection 1, a person shall not be punished who voluntarily withdraws or seriously seeks to withdraw from the meeting before it has resulted in the use of force, unless he participated in the meeting in the manner paraphrased in subsection 2.

§ 275

Land constraint

A person who causes fear and anxiety among the population or a large group of persons by threatening to attack their life, health, physical integrity, freedom or property is liable to a custodial sentence not exceeding three years.

§ 276

Spreading false, disturbing rumors

Any person who intentionally spreads a rumor which he knows to be false (Article 5(3)) and which is likely to alarm a large number of persons and thereby endanger public order shall be liable to a custodial sentence not exceeding six months or to a monetary penalty not exceeding 360 daily penalty units.

§ 277

Criminal conspiracy

1) A person who conspires with another to jointly commit murder (Section 75), kidnapping by extortion (Section 102), delivery to a foreign power (Section 103), slave trade (Section 104), robbery (Section 142), a criminal act dangerous to the public under Sections 169, 171, 173, 176, 185, or 186, or prostitution trafficking across borders (Section 217), shall be punished by imprisonment from six months to five years.

2) Under subsection (1), a person shall not be punished who voluntarily prevents the intended criminal act by notifying the authority (section 151(3)) or the person threatened or in any other way. If the offence is not committed without the offender's intervention, the offender shall not be punished if he voluntarily and seriously endeavors to prevent the offence in ignorance thereof.

§ 278

Criminal association

1) A person who establishes a criminal organization or participates in such an organization as a member shall be liable to a custodial sentence not exceeding three years.

2) A criminal organization is a long-term association of more than two persons aimed at one or more members of the organization committing one or more felonies, other significant acts of violence against life and limb, more than minor damage to property, theft or fraud, offenses under sections 165, 177b, 233 to 239, 241a to 241c, 241e, 241f, 304 or 307, or other offenses specified in section 278d(1).

3) A person who commits a criminal act within the framework of a criminal organization or participates in its activities by providing information or assets or in any other way with the knowledge that he thereby promotes the organization or its criminal acts shall be deemed to be a member of the organization.

4) If the association has not led to any criminal act of the type envisaged, no member shall be punished if the association voluntarily dissolves or if it is otherwise evident from its conduct that it has voluntarily abandoned its intention. Furthermore, no person shall be punished for criminal association who voluntarily withdraws from the association before

an act of the planned type has been carried out or attempted; a person who has participated in the association in a leading capacity, but only if he or she voluntarily causes the danger arising from the association to be eliminated by notifying the authorities (Section 151 (3)) or in some other way.

§ 278a

Criminal organization

Whoever establishes a company-like association of a larger number of persons for a longer period of time or participates in such an association as a member (Section 278 (3)) or supports it financially,

1. which, although not exclusively, is aimed at the recurrent and planned commission of serious criminal acts threatening life, physical integrity, liberty or property, or serious criminal acts in the field of sexual exploitation of persons, trafficking or illicit traffic in explosive ordnance, nuclear and radioactive materials, hazardous waste, counterfeit money or narcotics,

2. which thereby seeks to enrich itself on a large scale or to exert considerable influence on politics or the economy, and

3. seeks to corrupt or intimidate others or to shield himself or herself in a special way from law enforcement action,

shall be punishable by imprisonment for a term of one to ten years. § Section 278 (4) shall apply mutatis mutandis.

§ 278b

Terrorist group

1) A person who leads a terrorist organization (subsection 3) shall be punished by imprisonment for a term of five to fifteen years.

2) Any person who participates as a member in a terrorist organization (Section 278(3)) or provides financial support to such an organization is liable to a custodial sentence of one to ten years.405

3) A terrorist group is a group of more than two persons, established for a long period of time, with the aim of having one or more members of the group commit one or more acts of terrorism.

multiple terrorist offenses (Section 278c) are carried out or terrorist financing (Section 278d) is carried out.

§ 278c

Terrorist crimes

1) Terrorist crimes are

1. Murder (§ 75),

2. Bodily injury under sections 84 to 87,

3. extortionate kidnapping (§ 102),

4. aggravated coercion (§ 106),

5. dangerous threat under section 107(2),

6. serious damage to property (Section 126), damage to data (Section 126a) and disruption of the functioning of a computer system (Section 126b), if this may result in a danger to the life of another or to the property of another on a large scale, or if many computer systems (Sections 126a (3), 126b (3)) or essential components of the critical infrastructure (Sections 126a (4) (2), 126b (4) (2)) are affected,

7. intentional endangerment of the public (§§ 169, 171, 173, 175, 176, 177a, 177b and 178 and Art. 34 of the War Material Act) or intentional impairment of the environment (§ 180),

8. Air piracy (§ 185),

9. willful endangerment of the safety of aviation (§ 186),

9a. Incitement to commit terrorist offences and approval of terrorist offences (section 282a) or

10. an act punishable under Art. 60 of the Weapons Act,

if the act is likely to cause serious or prolonged disruption of public life or serious damage to economic life and is committed with the intent to seriously intimidate the population, to coerce public authorities or an international organization to act, acquiesce or refrain from acting, or to seriously shake or destroy the fundamental political, constitutional, economic or social structures of a state or an international organization.

2) A person who commits a terrorist offense referred to in subsection 1 shall be punished in accordance with the law applicable to the offense referred to therein, provided that the

maximum of the respective threatened sentence is increased by half, however, to a maximum of twenty years.

3) An act shall not be considered a terrorist offense if it is aimed at establishing or restoring democratic conditions and the rule of law or at exercising or safeguarding human rights.

§ 278d

Terrorist Financing

1) Whoever provides or collects assets with the intent that they will be used, even if only in part, to

1. for execution

a) of air piracy (§ 185) or deliberate endangerment of aviation safety (§ 186),

b) an extortionate kidnapping (§ 102) or a threat thereof,

c) an attack on the life, limb or freedom of a person protected under international law, or a violent attack on a dwelling, office or means of transport of such a person, which is likely to endanger the life, limb or freedom of that person, or a threat thereof,

d) an intentional endangerment by nuclear energy or ionizing radiation (Section 171), a threat thereof, an unauthorized handling of nuclear material or radioactive substances (Section 177b), another criminal act for the purpose of obtaining nuclear material or radioactive substances or a threat to commit theft or robbery of nuclear material or radioactive substances in order to coerce another to perform an act, to tolerate an act or to refrain from an act,425

e) a significant attack on the life or limb of another at an airport serving international civil aviation, destruction of or significant damage to such an airport or aircraft thereon, or disruption of the services of the airport, if the act is committed using a weapon or other device and is likely to jeopardize security at the airport,

f) of an offense committed in a manner described in section 185 or 186 against a vessel or fixed platform, against a

person, who is on board a vessel or on a fixed platform, is committed against the cargo of a vessel or a navigational facility,

g) transporting an explosive device or other lethal device to a public place, governmental or public facility, public transportation system, or utility, or using such means with the intent to cause death or serious bodily injury to another, or extensive destruction of the place, facility, or system, if the destruction is likely to cause particularly great economic harm,

h) an act that results in the death or serious bodily injury of a civilian or other person who is not actively participating in the armed conflict.

hostilities if, by its nature or circumstances, the act is intended to intimidate a population or to coerce a government or an international organization to do or refrain from doing something,

(i) any other criminal act under section 278c(1), any criminal act under sections 278e, 278f or 278g, or the recruitment of another for the commission of a terrorist offence under

§ Section 278c (1) items 1 to 9 or 10, or

2. by a person or an association (section 278b(3)) committing an act referred to in item 1 or participating in such an association as a member (section 278b(2)),

shall be punishable by imprisonment for a term of one to ten years.

2) The offender shall not be punished under subsection (1) if the act is punishable by a more severe penalty under another provision.

§ 278e

Training for terrorist purposes

1) Any person who instructs another person in the manufacture or use of explosives, firearms or other weapons or harmful or dangerous substances, or in any other equally harmful or dangerous method or process specifically suitable for the commission of a terrorist offense under section 278c(1)(1) to (9) or (10), for the purpose of committing such a terrorist offense, shall be punished by imprisonment for a term of one to ten years if the person

Knows that the skills taught are to be used for this purpose.

2) Any person who receives instruction in the manufacture or use of explosives, firearms or other weapons, or harmful or dangerous substances, or in any other method or process that is equally harmful or dangerous and specifically suitable for the commission of a terrorist offence under section 278c(1)(1) to (9) or (10), with a view to committing such a terrorist offence using the skills acquired, shall be liable to a custodial sentence of six months to five years. However, the punishment may not be more severe in nature and degree than the law imposes for the intended act.

§ 278f

Instruction to commit a terrorist offense

1) Whoever uses a media product which, according to its content, is intended to encourage the commission of a terrorist offense (Section 278c (1) Nos. 1 to 9 or

10) to instruct by the means specified in Section 278e, or offers such information on the Internet or makes it available to another person in such a manner as to incite the commission of a terrorist offense, shall be punished by imprisonment for not more than two years.

2) Likewise, anyone who obtains a media product as defined in subsection 1 or such information from the Internet in order to commit a terrorist offense (section 278c(1)(1) to (9) or (10)) shall be punished.

§ 278g

Travel for terrorist purposes

A person who travels to another state to commit a criminal offense under the

§§ 278b, 278c, 278e or 278f, shall be punished by imprisonment for a term of six months to five years. However, the nature and extent of the penalty may not be more severe than that which the law imposes for the intended act.

§ 279

Armed connections

1) Any person who without authorization establishes an armed compound or a compound intended to be armed, or who arms an existing compound, or who is in this

The person who leads an association, recruits members for it, recruits or trains them militarily or otherwise for combat, or equips the association with means of combat, means of transport or communications equipment, or supports it with funds or in any other significant way, shall be punished with imprisonment for not more than three years.

2) Under subsection (1), a person shall not be punished who voluntarily, before the authority (section 151 para.

3) has learned of his fault, discloses all that is known to him of the connection and its plans to such authority at a time when it is still secret.

§ 280

Accumulation of explosive ordnance

1) Any person who obtains, possesses or provides another person with weapons, ammunition or other combat equipment for the purpose of equipping a large number of people for combat is liable to a custodial sentence not exceeding three years.

2) Under subsection (1), a person shall not be punished who voluntarily, before the authority (section 151 para.

3) has learned of his fault, permanently disables the explosive ordnance, hands it over to such an authority or enables it to get hold of the explosive ordnance.

§ 281

Call to disobey laws

Any person who incites general disobedience of a law in a printed work, on the radio, on television or otherwise in such a way that it becomes available to a wide public shall be punished by imprisonment for not more than one year.

§ 282

Solicitation of punishable acts and approval of punishable acts

1) Any person who in a printed work, on the radio, on television or otherwise in such a way that it becomes accessible to a wide public incites an act punishable by a penalty shall, if he is not punishable by a more severe penalty as a participant in this act (Section 12), be punished by imprisonment for not more than two years.

2) Any person who, in the manner specified in subsection 1, approves of an act committed intentionally and punishable by imprisonment for a term exceeding one year, in a manner likely to outrage the general sense of justice or to incite the commission of such an act, shall also be punished.

§ 282a

Incitement to commit terrorist offenses and approval of terrorist offenses

1) Any person who incites the commission of a terrorist offence (Section 278c (1) (1) to (9) or (10)) in a printed work, on the radio, television or any other medium or otherwise publicly in such a way that it becomes accessible to a large number of people shall, if he is not punishable by a more severe penalty as a participant in this act (Section 12), be punished by imprisonment for not more than two years.

2) Likewise, a person who approves a terrorist offense (section 278c(1)(1) to (9) or (10)) in the manner specified in subsection (1) shall be punished in a manner that is likely to bring about the risk of committing one or more such offenses.

§ 283

Discrimination

1) The following shall be punished by imprisonment for a term of up to two years

1. publicly against a person or group of persons because of their race,

The person concerned may not incite hatred or discrimination on the grounds of language, nationality, ethnicity, religion or belief, gender, disability, age or sexual orientation,

2. publicly disseminates ideologies aimed at the systematic disparagement or humiliation of persons because of their race, language, nationality, ethnicity, religion or belief, gender, disability, age or sexual orientation,

3. organizes, promotes or participates in propaganda actions with the same aim,

4. publicly, by word, writing, picture, sign, gesture, assault, or other means, attacks a person or group of persons on account of their race, language, or ethnic origin,

nationality, ethnicity, religion or belief, gender, religion or belief, gender

disability, age or sexual orientation in a manner that violates human dignity,

5. publicly denies, grossly trivializes or attempts to justify genocide or other crimes against humanity by word, writing, image, signs, gestures, assaults or in any other way transmitted via electronic media,

6. denies a service offered by him, which is intended for the general public, to a person or a group of persons because of their race, language, nationality, ethnicity, religion or world view, gender, disability, age or sexual orientation,

7. participates as a member in an association whose activity consists in promoting or inciting discrimination within the meaning of this provision.

2) Also to be punished is anyone who uses discriminatory (para. 1) writings, sound or image recordings, signs, images or other objects of this kind transmitted via electronic media,

1. manufactures, imports, stores or places on the market for the purpose of further distribution,

2. publicly advertises, exhibits, offers or displays.

3) Paragraphs 1 and 2 shall not apply if the propaganda medium or the act serves art or science, research or teaching, the proper reporting of current events or history or similar purposes.

§ 284

Blowing up a meeting

Any person who prevents or disrupts a meeting, march or similar rally that is not prohibited by force or by threat of force shall be liable to a custodial sentence not exceeding one year or to a monetary penalty not exceeding 720 daily penalty units.

§ 285

Preventing or disrupting a meeting

Any person who prevents or significantly disturbs a non-prohibited assembly by

1. makes the assembly room inaccessible,

2. prevents or hinders the entry of a person entitled to participate in the meeting or makes it impossible or difficult for that person to participate in the meeting by causing severe harassment,

3. enters the meeting without authorization or

4. displaces a person appointed to direct or maintain order, or physically resists any of his or her orders relating to the conduct of the meeting,

shall be punished by imprisonment for a term not exceeding six months or by a fine not exceeding 360 daily penalty units.

§ 286

Failure to prevent an act punishable by a penalty

1) Any person who, with the intent that an act punishable by a criminal penalty will be committed, fails to prevent its imminent or already commenced execution or, in cases where notification enables the prevention, fails to notify the authority (section 151(3)) or the person threatened, shall, if the punishable act has at least been attempted and is punishable by a term of imprisonment exceeding one year, be liable to a term of imprisonment of up to two years. However, the nature and extent of the penalty may not be more severe than that imposed by law for the unprevented act.

2) The offender shall not be punished under subsection (1) if.

1. could not easily effectuate the prevention or notification without exposing himself or a relative to the risk of substantial disadvantage,

2. has become aware of the punishable act solely through a communication entrusted to him or her in his or her capacity as a pastoral worker, or

3. the prevention or notification would violate another legally recognized duty of confidentiality and the consequences threatening from the violation of this duty would have weighed more heavily

than the adverse consequences of failure to prevent or disclose.

§ 287

Committing an act punishable by law in a state of full intoxication

1) Any person who, even if only negligently, becomes intoxicated to the point of incapacitation through the consumption of alcohol or the use of another intoxicating agent shall, if he commits an act while intoxicated which would be attributed to him as a felony or misdemeanor outside this state, be liable to a custodial sentence not exceeding three years. However, the nature and extent of the punishment may not be more severe than that prescribed by law for the act committed while intoxicated.

2) The offender shall be prosecuted only on demand, on request or with authorization if the act punishable by a penalty committed while intoxicated is to be prosecuted only on demand, on request or with authorization.

21. Section

Criminal acts against the administration of justice

§ 288

False testimony in court

1) Any person who gives false testimony in court as a witness or, if he is not also a party, as a person providing information during his formal examination on the merits of the case, or who, as an expert witness, gives a false finding or a false expert opinion, shall be liable to a custodial sentence not exceeding three years.

2) Any person who makes a false statement of evidence (para. 1) under oath in court or affirms it with an oath or otherwise swears an oath falsely in court as provided by law shall be punished by imprisonment for a term of six months to five years. The invocation of an oath previously taken and, in the case of persons exempt from the obligation to take an oath, an affirmation made in lieu of an oath shall be deemed equivalent to an oath.

3) Pursuant to subsection (1), a person shall also be punished who, as a witness or expert, has committed one of the

commits acts referred to therein in proceedings conducted by the National Police under the Code of Criminal Procedure.

§ 289

False statement of evidence before an administrative authority

Any person who gives false testimony before an administrative authority as a witness during his formal examination on the merits of the case, or who gives a false finding or opinion as an expert witness, shall be liable to a custodial sentence not exceeding one year or to a monetary penalty not exceeding 720 daily penalty units.

§ 290

Statement emergency

1) A person who gives false evidence (sections 288, 289) in order to avoid disgrace or the risk of criminal prosecution or immediate and significant pecuniary disadvantage for himself or a person belonging to him shall not be punished if he was or could have been exempted from the obligation to give evidence and if he

1. did not know that this was the case,

2. has not revealed the reason for exemption in order to avert the consequences of the designated kind already threatening from the disclosure, or

3. has been wrongfully restrained from making the statement.

2) The status of a person as a relative established by marriage, registered partnership or de facto cohabitation shall continue to exist even if the marriage, registered partnership or de facto cohabitation no longer exists.

3) However, the offender shall be punished even if the requirements of para. 1 are met, if it is reasonable to expect him to testify truthfully, in particular in view of the disadvantage threatening another person as a result of the false statement.

§ 291

Active repentance

The offender shall not be punished for an act punishable under sections 288 or 289 if he corrects the untrue statement before the end of his interrogation.

§ 292

Inducing an inaccurate statement of evidence

1) Any person who, by deception as to facts, induces another person to make a bona fide false statement of evidence in court (Section 288) shall be liable to imprisonment for a term not exceeding three years.

2) Any person who, in the manner specified in subsection 1, causes a person to give false evidence in good faith before an administrative authority (section 289) shall be liable to a custodial sentence not exceeding one year or to a monetary penalty not exceeding 720 daily penalty units.

§ 292a

False list of assets

Any person who signs a false or incomplete list of assets (Art. 29 of the Execution Code or Art. 59 of the Insolvency Code) in court or before the bailiff and thereby jeopardizes the satisfaction of a creditor shall be liable to a custodial sentence not exceeding six months or to a monetary penalty not exceeding 360 daily rates.

§ 292b

Active repentance

A person shall not be punished for a false list of assets (section 292a) if he or she voluntarily corrects the false information or completes the incomplete information before the authority (section 151(3)) becomes aware of his or her fault, unless the satisfaction of a creditor has already been frustrated or reduced.

§ 292c

Illegal bidding collusion in executive auction proceedings

1) Any person who demands, accepts or allows himself to be promised an advantage for himself or a third party in return for a promise not to appear as a co-bidder in the course of an auction in execution proceedings or to bid only up to a certain price or otherwise only according to a given standard or not at all, shall be punished with a term of imprisonment of up to two years.

2) Likewise, anyone who offers, promises or grants an advantage to a co-bidder without the co-bidder's solicitation for an award within the meaning of paragraph 1 for the co-bidder or a third party shall be punished.

§ 293

Falsification of evidence

1) A person who fabricates a false piece of evidence or falsifies a true piece of evidence is, if he acts with the intent that the evidence be used in a judicial

or administrative proceedings or in proceedings conducted by the National Police under the Code of Criminal Procedure, shall be punished by imprisonment for a term of up to one year or by a fine of up to 720 daily rates, if the act is not punishable under sections 223, 224, 225 or 230.

2) A person who uses false or falsified evidence in judicial or administrative proceedings or in proceedings conducted by the National Police under the Code of Criminal Procedure shall also be punished.

§ 294

Active repentance

1) A person shall not be punished for falsifying evidence (Section 293) if he voluntarily refrains from using or prevents the use of the false or falsified evidence in the proceedings or removes the alteration to the evidence suitable for misleading before it is used in the proceedings.

2) If the danger of such use does not exist or has been eliminated without the perpetrator's intervention, he shall not be punished if, unaware of it, he voluntarily and earnestly endeavors to eliminate it.

§ 295

Suppression of evidence

Any person who destroys, damages or suppresses evidence intended for use in judicial or administrative proceedings or in preliminary proceedings under the Code of Criminal Procedure and which he is not entitled to dispose of or is not entitled to dispose of alone shall, if he acts with intent to prevent the evidence from being used in the proceedings, be liable to a custodial sentence not exceeding one year or to a monetary penalty not exceeding 720 daily penalty units if the offence was not committed in accordance with the provisions of the Code of Criminal Procedure.

§§ 229 or 230 is punishable by law.

§ 296

Active repentance

A person shall not be punished for suppression of evidence (Section 295) if he or she voluntarily submits the evidence to the court, the administrative authority or the state police (Section 9 of the Code of Criminal Procedure) at a time when it can still be taken into account in the decision or order to be made.

§ 297

False suspicion

1) Any person who exposes another person to the risk of prosecution by the authorities by falsely suspecting him of an act punishable ex officio or of a breach of a duty of office or profession shall, if he knows (Section 5(3)) that the suspicion is false, be liable to a custodial sentence not exceeding one year or to a monetary penalty not exceeding 720 daily rates, but if the act falsely charged is punishable by a custodial sentence exceeding one year, be liable to a custodial sentence of six months to five years.

2) Under subsection (1), a person shall not be punished who voluntarily removes the danger of prosecution by the authorities before an authority has done anything to prosecute the suspect.

§ 298

Pretending to commit an act punishable by law

1) Any person who knowingly pretends to an authority (Section 151(3)) or to an official responsible for receiving reports the commission of an act punishable by a penalty shall, if not punishable under Section 297(1), be liable to a custodial sentence not exceeding six months or to a monetary penalty not exceeding 360 daily rates.

2) Pursuant to subsection (1), a person shall not be punished if he or she voluntarily ensures that the act does not result in an official investigation.

§ 299

Favoritism

1) Any person who has subjected another, who has committed an act punishable by a penalty, to prosecution or to the execution of the penalty or preventive

measure, in whole or in part, is liable to a custodial sentence not exceeding two years or to a monetary penalty not exceeding 360 daily penalty units.

2) A person who induces another to favor him shall not be punished under subsection (1).

3) Pursuant to para. 1, a person who commits an act with the intention of benefiting a relative or of preventing himself from being punished or subjected to a preventive measure for participation in the criminal act for which the beneficiary is being prosecuted or for which a punishment or preventive measure is to be enforced against him shall also not be punished.

4) Whoever commits any of the acts punishable under subsection (1) in order to disgrace himself or a member of his family or to risk criminal prosecution.

or a direct and significant pecuniary disadvantage shall not be punished if the consequences that were to be averted by the act would have outweighed the adverse consequences that arose or could have arisen from the act, even taking into account the dangerousness of the beneficiary and the seriousness of the act that the beneficiary committed or for which he or she was convicted.

§ 300

Prisoner liberation

1) Any person who frees, induces to desecrate or aids a prisoner who is detained pursuant to a decision or order of a court or administrative authority shall, unless the offender is punishable under sections 195 or 299, be punished by imprisonment for not more than two years.

2) A prisoner who induces another to free him or to assist him in escaping shall not be punished under subsection (1).

§ 301

Prohibited publication

1) Any person who, in contravention of a statutory prohibition, publishes in a printed publication, on the radio, on television or otherwise in such a manner that the communication becomes available to a broad public, a communication concerning the content of a hearing before a court or an administrative authority at which the public was excluded, shall be liable to imprisonment.

penalty of up to six months or a fine of up to 360 daily rates.

2) A person shall also be punished who publishes, in a manner specified in subsection 1, a notice of deliberations in proceedings before a court or administrative authority, of such a vote or of the result thereof, and who violates the duty of secrecy imposed on him in such proceedings by the court or administrative authority on the basis of a statutory provision.

22. Section

Criminal violations of official duty, corruption and related criminal acts

§ 302

Abuse of authority

1) A public official who, with the intent thereby to deprive another of his or her rights

The person who, in the name of the Land, an association of municipalities, a municipality or another person under public law, knowingly abuses his or her authority to perform official acts in execution of the law shall be punished by imprisonment for a term of six months to five years.

2) Whoever commits the act while conducting official business with a foreign power or a supranational or intergovernmental body shall be punished by imprisonment for a term of one to ten years.

§ 303

Negligent violation of the freedom of the person or the right of the house

An official who, through gross negligence (Section 6(3)), damages the rights of another by unlawfully interfering with or depriving him of his personal liberty or by unlawfully searching his house, shall be liable to a custodial sentence not exceeding three months or to a monetary penalty not exceeding 180 daily rates.

§ 304

Bribery

1) A public official or arbitrator who demands, accepts or allows himself to be promised an advantage for himself or a third party for the performance or omission of an official act in breach of his duties shall be punished with imprisonment for not more than three years. Similarly, anyone who, as an expert appointed by a court or other authority for specific proceedings, demands, accepts or allows himself to be promised an advantage for himself or a third party in return for providing an incorrect finding or expert opinion shall be punished.

2) Whoever commits the act in relation to a value of the benefit exceeding 5,000 francs shall be punished by imprisonment for a term of six months to five years, and whoever commits the act in relation to a value of the benefit exceeding 75,000 francs shall be punished by imprisonment for a term of one to ten years.

§ 305

Acceptance of Advantage

1) An office bearer or arbitrator who demands an advantage for himself or a third party for the dutiful performance or omission of an official act or accepts or allows himself to be promised an undue advantage (para. 3) shall be punished by imprisonment for up to two years.

2) Whoever commits the act in relation to a value of the benefit exceeding 5,000 francs shall be sentenced to imprisonment for a term not exceeding three years, whoever commits the act in relation to a value of the benefit exceeding 75,000 francs shall be sentenced to imprisonment of

six months to five years.

3) No undue advantages are

1. Benefits, the acceptance of which is permitted by law, or which are granted in the context of events in the participation of which there is an official or objectively justified interest,

2. Benefits for charitable purposes over the use of which the officer or arbitrator does not exercise a determining influence; and

3. in the absence of permit norms in the sense of item 1, local or national customary attentions of low value, unless the act is committed commercially.

§ 306

Acceptance of advantage to influence

1) An office bearer or arbitrator who, except in the cases provided for in sections 304 and 305, with the intent to be influenced thereby in his activity as an office bearer, demands an advantage for himself or a third party or accepts or allows himself to be promised an undue advantage (section 305, subsection 3), shall be punished by imprisonment for not more than two years.

2) Whoever commits the act in relation to a value of the benefit exceeding 5,000 francs shall be punished by imprisonment for a term of up to three years, and whoever commits the act in relation to a value of the benefit exceeding 75,000 francs shall be punished by imprisonment for a term of six months to five years.

3) A person who merely accepts a minor benefit or allows himself to be promised such a benefit shall not be punished under para. 1 unless the act is committed on a commercial basis.

§ 306a

Repealed

§ 307

Bribery

1) Any person who offers, promises or grants an official or arbitrator an advantage for him or for a third party in return for the performance or omission of an official act in breach of his duties shall be liable to a custodial sentence not exceeding three years. Likewise, anyone who offers, promises or grants an expert (section 304(1)) an advantage for him or a third party in return for providing an incorrect finding or expert opinion shall be punished.

2) Whoever commits the act in relation to a value of the benefit exceeding 5,000 francs shall be punished by imprisonment for a term of six months to five years, and whoever commits the act in relation to a value of the benefit exceeding 75,000 francs shall be punished by imprisonment for a term of one to ten years.

§ 307a

Benefit allocation

1) Any person who offers, promises or grants an undue advantage (section 305(3)) to a public official or arbitrator for the dutiful performance or omission of an official act on his or her behalf or on behalf of a third party shall be liable to imprisonment for not more than two years.

2) Whoever commits the act in relation to a value of the benefit exceeding 5,000 francs shall be punished by imprisonment for a term of up to three years, and whoever commits the act in relation to a value of the benefit exceeding 75,000 francs shall be punished by imprisonment for a term of six months to five years.

§ 307b

Benefit allocation for influencing

1) Any person who, except in the cases provided for in Sections 307 and 307a, offers, promises or grants an undue advantage (Section 305(3)) to a public official or arbitrator for him or a third party with the intention of influencing him in his activities as an official shall be liable to a custodial sentence not exceeding two years.

2) Whoever commits the act in relation to a value of the benefit exceeding 5,000 francs shall be punished by imprisonment for a term of up to three years, and whoever commits the act in relation to a value of the benefit exceeding 75,000 francs shall be punished by imprisonment for a term of six months to five years.

§ 308

Prohibited intervention

1) Any person who demands, accepts or allows himself to be promised an advantage for himself or a third party in order to exert an undue influence on the decision-making of a public official or an arbitrator shall be punished by imprisonment for not more than two years.

2) Likewise, anyone who offers, promises or grants an advantage to another for exerting undue influence on the decision-making of a public official or an arbitrator shall be punished.

3) Whoever commits the act in respect of a value of the benefit exceeding 5,000 francs

is punishable by imprisonment for up to three years, who commits the act in

with respect to a value of the benefit exceeding 75,000 francs shall be punished by imprisonment for a term of six months to five years.

4) Influence on the decision-making of an officer or arbitrator shall be improper if it is aimed at the improper performance or omission of an official act or if it is connected with the offering, promising or granting of an improper advantage (Section 305(3)) to the officer or arbitrator or for him to a third party.

5) The perpetrator shall not be punished under the preceding paragraphs if the act is punishable by more severe punishment under another provision.

§ 309

Corruption and bribery in business transactions

1) An employee or agent of a company who, in the course of business, demands, accepts or allows himself to be promised an advantage by another for himself or for a third party in return for the performance or omission of a legal act in breach of his duties shall be liable to a custodial sentence not exceeding two years.

2) Any person who offers, promises or grants an advantage to an employee or agent of a company in the course of business for the performance or omission of a legal act for him or a third party in breach of his duties shall also be punished.

3) Whoever commits the act in relation to a value of the benefit exceeding 5,000 francs shall be punished by imprisonment for a term of up to three years, and whoever commits the act in relation to a value of the benefit exceeding 75,000 francs shall be punished by imprisonment for a term of six months to five years.

§ 310

Violation of official secrecy

1) A public official or former public official who discloses or exploits a secret entrusted to him or made accessible to him exclusively by virtue of his office, the disclosure or exploitation of which is likely to harm a public interest or a legitimate private interest, shall be punished by imprisonment for not more than three years, unless the act is punishable by a more severe penalty under another provision.

2) If the perpetrator discloses an official secret relating to facts endangering the Constitution (§ 252, para. 3), he shall be punished under para. 1 only if he acts with the intent to harm private interests or to cause a disadvantage to the Principality of Liechtenstein. The erroneous assumption of facts endangering the constitution

does not exempt the offender

from punishment.

§ 311

False certification and authentication in the office

An official who falsely certifies a right, a legal relationship or a fact in a public document the issuance of which falls within the scope of his office, or who falsely affixes a public certification mark to an object the affixing of which falls within the scope of his office, shall, if he acts with the intent that the document be used in legal transactions as evidence of the right, legal relationship or fact or that the thing be used in legal transactions, if the act is not punishable under section 302, be punished by imprisonment for not more than three years.

§ 312

Torturing or neglecting a prisoner

1) A public official who inflicts physical or mental torture on a prisoner or other person held by order of the authorities who is subject to his authority or to whom he has official access shall be punished by imprisonment for not more than two years.

2) Similarly, a public official who grossly neglects his duty of care or custody to such a person and thereby, even if only negligently, causes substantial harm to the person's health or physical or mental development shall be punished.

3) If the act results in serious bodily injury (Section 84(1)), the offender shall be punished with imprisonment for a term of up to three years; if it results in bodily injury with serious permanent consequences (Section 85), with imprisonment for a term of up to five years; if it results in the death of the injured party, with imprisonment for a term of one to ten years.

§ 312a

Torture

1) Any person who, as a public official pursuant to section 74, paragraph 1, subparagraph 4a (a) or (b), at the instigation of such an official or with the express or tacit consent of such an official, inflicts great physical or mental pain on another person, in particular in order to obtain a statement or confession from him or a third person, to punish him for an act actually or presumably committed by him or a third person, to intimidate or coerce him or a third person, or for a reason based on discrimination.

or suffering is punishable by imprisonment for a term of one to ten years.

2) If the act results in bodily injury with serious permanent consequences (Section 85), the offender shall be punished by imprisonment for a term of five to fifteen years; if the act results in the death of the injured party, the offender shall be punished by imprisonment for a term of ten to twenty years or for life.

3) An official within the meaning of this provision is also a person who, in the event of the absence or failure of the state authorities, de facto acts as an official.

§ 312b

Disappearance of a person

A person who abducts a person on behalf of or with the approval of a state or a political organization or otherwise deprives him of his personal liberty and conceals the fate or whereabouts of the disappeared person shall be liable to a custodial sentence of one to ten years.

§ 313

Criminal acts under exploitation of an official position

If an official commits an intentional act that is also punishable in other ways by taking advantage of the opportunity offered to him by his official duties, the maximum penalty of imprisonment or a fine may be exceeded by half. However, the term of imprisonment may not exceed twenty years.

23. Section

Usurpation of office and misappropriation of office

§ 314

Office Approval

Any person who presumes to exercise a public office or who, without being authorized to do so, performs an act that may only be performed by virtue of a public office shall be punished by imprisonment for not more than six months or a fine of not more than 360 daily penalty units.

§ 315

Obtaining an office by fraud

Whoever knowingly deceives a body appointed to confer a public office about a fact which, according to a law or a statutory instrument, makes the

would preclude the transfer of a certain public office, and thereby causes that office to be transferred to him, shall be punished by imprisonment for not more than one year or by a fine of not more than 720 daily penalty units.

24. Section

Disruption of relations with foreign countries

§ 316

Highly treasonous attacks against a foreign state

1) Any person who undertakes within the territory of a foreign state (Section 242 (2)) to change the constitution of a foreign state or to secede a territory belonging to a foreign state by force or threat of force shall be punished by imprisonment for a term of six months to five years.

2) § Section 243 shall apply mutatis mutandis.

§ 317

Disparagement of foreign symbols

Whoever, in such a way that the act becomes known to a wide public, in a hateful manner, flies a flag or insignia of a foreign

A person who insults, belittles or otherwise disparages the anthem of a foreign state performed on a public occasion by a domestic authority or by a representative of the foreign state or of the intergovernmental institution in accordance with the general rules of international law or in accordance with intergovernmental agreements is liable to a custodial sentence not exceeding six months or to a monetary penalty not exceeding 360 daily penalty units.

§ 318

Conditions of punishment

1) The offender shall be prosecuted in cases under sections 316 and 317 only at the request of the government.

2) For the acts punishable under § 317 against an intergovernmental body, the offender shall be punished only if the Principality of Liechtenstein is a member of that body.

§ 319

Military intelligence for a foreign state

Any person who establishes or operates a military intelligence service within the country on behalf of a foreign power or a supranational or intergovernmental organization, or who supports such an intelligence service in any manner whatsoever, shall be punished by imprisonment for not more than two years.

§ 320

Support of a party in a foreign armed conflict

Any person who knowingly acts on behalf of one of the parties in Liechtenstein during a war or armed conflict in which the Principality of Liechtenstein is not involved, or in the event of imminent danger of such a war or conflict.

1. equips or arms a military formation or a water, land or air vehicle of one of the parties for participation in the belligerent undertakings,

2. forms or maintains a volunteer corps or establishes or operates an advertising agency for it or for the military service of either party,

3. Exports ordnance from or transits through domestic territory in violation of existing regulations,

4. grants a financial loan or organizes a public collection for military purposes, or

5. transmits a military message or establishes or uses a communications facility for that purpose,

shall be punishable by a term of imprisonment of up to two years.

25. Section

Genocide, crimes against humanity and war crimes

§ 321

Genocide

1) Whoever, with the intention of destroying, in whole or in part, a group determined by its membership in a church or religious society, a race, a people, a tribe or a state, kills members of the group, inflicts serious bodily harm (Section 84 para.

1) inflicts mental or emotional harm, subjects the group to living conditions that are likely to result in the death of all or part of the group, imposes measures aimed at preventing births within the group

or children of the group by force or by threat of force into a

other group shall be punished by life imprisonment.

2) A person who conspires with another to jointly perform any of the criminal acts referred to in subsection 1 shall be punished by imprisonment for a term of one to ten years.

§ 321a

Crimes against humanity

1) Whoever, as part of a widespread or systematic attack against a ci- vil population.

1. kills a person (§ 75) or

2. with the intention of destroying all or part of a population, places it or parts of it in living conditions likely to bring about its destruction in whole or in part,

shall be punished by life imprisonment.

2) Whoever, in the course of an attack referred to in subsection 1, commits slavery (sec.

104) shall be punished by imprisonment for a term of ten to twenty years or for life; if the act results in the death of a person, the punishment shall be life imprisonment.

3) Whoever, in the course of an attack referred to in subsection 1.

1. Trafficking in human beings (§ 104a),

2. expels the population from the territory in which it is lawfully present or forcibly transfers it to another territory in violation of international law,

3. inflicts great bodily or mental pain or suffering on a person in his or her custody or otherwise under his or her control, unless such pain or suffering results merely from, is part of, or is incidental to a legally permissible sanction,

4. rapes (section 200) or sexually coerces (section 201) a person, coerces her into prostitution (section 106(1)(3)), deprives her of the ability to procreate (section 85(1)) or, with the intention of influencing the ethnic composition of a population or committing other serious violations of international law, holds captive a woman who has been impregnated by force, or

5. makes a person disappear (§ 312b),

is punishable by imprisonment from five to fifteen years, the act has caused the death of a

person shall be punished by imprisonment for a term of ten to twenty years or by life imprisonment.

4) Whoever, in the course of an attack referred to in subsection 1.

1. inflicts serious bodily injury (section 84(1)) on a person,

2. seriously deprives a person of his or her personal liberty in violation of international law; or

3. persecutes an identifiable group or community by depriving it of, or substantially limiting, fundamental human rights on political, racial, national, ethnic, cultural, religious, gender, or other grounds recognized as impermissible under international law,

shall be punishable by imprisonment for a term of one to ten years; if the act results in the death of a person or is committed with the intent to perpetuate an institutionalized regime of systematic oppression and domination of one racial group by another, by imprisonment for a term of five to fifteen years.

§ 321b

War crimes against persons

1) Any person who, in connection with an armed conflict, kills a person to be protected under international humanitarian law (Section 75) shall be punished by imprisonment for life.

2) Any person who, in connection with an armed conflict, takes as a hostage a person to be protected under international humanitarian law shall be punished by imprisonment for a term of ten to twenty years; if the act results in the death of the victim, by imprisonment for a term of ten to twenty years or by life imprisonment.

3) Anyone who, in connection with an armed conflict.

1. inflicts great bodily or mental pain or suffering on a person to be protected under international humanitarian law who is in his or her custody or otherwise under his or her control, unless such pain or suffering results solely from, is part of, or is incidental to a legally permissible sanction; or

2. rapes (section 200) or sexually coerces (section 201) a person to be protected under international humanitarian law, coerces him or her into prostitution (section 106(1)(3)), the

deprives a woman of her reproductive capacity (Section 85(1)) or imprisons a woman who has been impregnated by force with the intention of influencing the ethnic composition of a population,

shall be punished by imprisonment for a term of five to fifteen years, or, if the act results in the death of the victim, by imprisonment for a term of ten to twenty years or for life.

4) Anyone who, in connection with an armed conflict.

1. inflicts great bodily or mental pain or serious bodily injury (Article 84(1)) on a person who is to be protected under international humanitarian law,

2. Persons under 15 years of age conscripted into or enlisted in armed forces or persons under 18 years of age conscripted into armed groups

conscripted or incorporated into them, or used persons under the age of 18 for active participation in hostilities,

3. expels or forcibly transfers all or part of the civilian population to another territory, or orders such expulsion or transfer, unless it is a temporary transfer required for the safety of the civilians concerned or for imperative military reasons,

4. imposes or enforces a significant penalty on a person to be protected under international humanitarian law without that person having been tried in an impartial due process of law that provides the legal safeguards required under international law,

5. Places a person in need of protection under international humanitarian law who is in the control of another party to the conflict in danger of death or serious injury to health by, even with that person's consent

a) performs tests on such a person that are neither medically necessary nor in his or her best interest,

b) removes tissues or organs from such a person for transplantation purposes, unless the removal is of blood or skin for therapeutic purposes in accordance with generally accepted medical principles, to which the person has previously given voluntary and express consent; or

c) otherwise subjects such person to a medical procedure that is not required by his or her medical condition and that is not in accordance with generally accepted medical principles; or

6. treats a person to be protected under international humanitarian law in a seriously degrading or humiliating manner,

shall be punished by imprisonment for a term of one to ten years, and if the act results in the death of the victim, by imprisonment for a term of five to fifteen years.

5) Whoever, in connection with an international armed conflict.

1. unlawfully abducts or detains a person to be protected under international humanitarian law (section 99) or unjustifiably delays his or her repatriation,

2. as a member of an occupying power, transfers part of his own civilian population into the occupied territory or expels or transfers all or part of the population of the occupied territory within it or from it,

3. coerces a person to be protected under international humanitarian law into service in the armed forces of a hostile power (section 105); or

4. coerces a national of the opposing party (§ 105) to participate in acts of war against his own country,

shall be punishable by imprisonment for a term of one to ten years.

6) Persons to be protected under international humanitarian law are protected persons within the meaning of the Geneva Conventions Relating to the Protection of Victims of War, LGBl. 1989 No. 18 to 21, and their Additional Protocols I and II (Additional Protocol to the Geneva Conventions, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I), Including Reservation, Declaration and Annexes, and Additional Protocol to the Geneva Conventions, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), Including Reservation, LGBl. 1989 No. 62 and 63). 1989 No. 62 and 63), in particular the wounded, the sick, the shipwrecked, members of the armed forces and combatants of the opposing party who have surrendered unconditionally or are otherwise out of action, prisoners of war and civilians, provided and as long as the latter do not participate directly in hostilities.

§ 321c

War crimes against property and other rights

Anyone who, in connection with an armed conflict.

1. plunders or, without this being required by the requirements of the armed conflict, otherwise destroys, appropriates or seizes property of the opposing party or its nationals to a considerable extent in violation of international law,

2. destroys or appropriates cultural property on a large scale within the meaning of the Convention for the Protection of Cultural Property in the Event of Armed Conflict, LGBl. 1960 No. 17/1, or

3. orders, contrary to international law, that rights and claims of all or part of the nationals of the opposing party be waived or suspended or be unenforceable in court,

shall be punishable by imprisonment for a term of one to ten years.

§ 321d

War crimes against international missions and misuse of protective and nationality marks

1) Anyone who, in connection with an armed conflict.

1. Directs an attack against persons, facilities, material, units or vehicles involved in a humanitarian assistance mission or in a peacekeeping mission in accordance with the Charter of the United Nations while they are entitled to the protection afforded to civilians or civilian objects under international humanitarian law; or

2. an attack is directed against persons, buildings, material, medical units or means of medical transport which, in accordance with international humanitarian law, bear the protective marks of the Geneva Conventions relative to the Protection of Victims of War or their Additional Protocols I and II (Protocol Additional to the Geneva Conventions, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I), with reservations), Declaration and Annexes and Additional Protocol to the Geneva Conventions relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), including reservations) and the Additional Protocol to the Geneva Conventions on the Adoption of an Additional Protocol of Protection (Protocol III), LGBl. 2007 No. 32, are marked,

shall be punishable by imprisonment for a term of one to ten years.

2) Whoever, in connection with an armed conflict, misuses the marks of protection recognized by the Geneva Conventions for the Protection of Victims of War or Protocol III thereto, the parliamentary flag or the flag, military insignia or uniform of the enemy, neutral or other states not participating in the conflict, or of the United Nations, and thereby causes serious injury to a person (Section 84 para.

1) shall be punished by imprisonment for a term of five to fifteen years, and if the act results in the death of a person, by imprisonment for a term of ten to twenty years.

§ 321e

War crime of using prohibited methods of warfare

1) Anyone who, in connection with an armed conflict.

1. an attack directed against the civilian population as such or against individual civilians who do not directly participate in the hostilities,

2. an attack is directed against civilian objects, including cultural property, as long as they are protected as such by international humanitarian law,

3. carries out an attack on undefended locations or demilitarized zones,

4. Cultural property under enhanced protection or its immediate surroundings used to support military actions,

5. carries out an attack knowing (§ 5, para. 3) that the attack will cause the killing or injury of civilians or damage to civilian objects to an extent disproportionate to the overall concrete and immediate military advantage expected,

6. directs an attack against dams, dikes, and nuclear power plants, unless they are civilian objects as defined in paragraph 2, knowing that the attack will cause death or injury to civilians or damage to civilian objects to an extent disproportionate to the overall expected concrete and direct military advantage,

7. carries out an attack, knowing that the attack will cause widespread, long-term, and severe damage to the natural environment,

8. uses a person to be protected under international humanitarian law (Section 321b(6)) as a shield to deter the adversary from acts of war against specific targets,

9. uses starvation of civilians as a method of warfare by depriving them of essential items or obstructing aid deliveries in violation of international humanitarian law,

10. As a superior (section 321g(2)), orders or declares that no quarter will be given to a subordinate subject to his actual command or command and control; or

11. insidiously kills or wounds a member of the enemy's armed forces or a combatant of the opposing party,

shall be punished by imprisonment for a term of one to ten years in the cases specified in items 1 to 10, and by imprisonment for a term of five to fifteen years in the case specified in item 11.

2) If an act under subsection 1(1) to (10) results in serious injury (section 84(1)) to a person to be protected under international humanitarian law (section 321b(6)), the perpetrator shall be punished by imprisonment for a term of five to fifteen years; if it results in the death of such a person, the perpetrator shall be punished by imprisonment for a term of ten to twenty years.

§ 321f

War crime of using prohibited means of warfare

1) Anyone who, in connection with an armed conflict.

1. Poison or poisoned ordnance used,

2. uses biological or chemical warfare agents, or

3. Bullets used that expand or flatten easily in the human body, especially bullets with a hard jacket that does not completely enclose the core or has indentations,

shall be punishable by imprisonment for a term of one to ten years.

2) If the act has caused grievous bodily harm to a person (sec. 84 para.

1) the perpetrator shall be punished by imprisonment for a term of five to fifteen years; if it results in the death of a person or if the means used (para. 1) are intended and suitable for mass destruction, the perpetrator shall be punished by imprisonment for a term of ten to twenty years.

§ 321g

Responsibility as a supervisor

1) A person who, as a superior (subsection 2), fails to prevent a subordinate under his actual command or control from committing an act under this section shall be punished as a perpetrator of the act committed by the subordinate.

2) Supervisors are military or civilian superiors as well as persons who, without being a military or civilian superior, exercise actual command and control in a troop, civilian orga- nization or company.

§ 321h

Violation of the duty of supervision

1) A supervisor (sec. 321(g)(2)) who fails to notify a subordinate who is subject to his or her

The subordinate shall be punished by imprisonment for a term of six months to five years if the subordinate commits an act under this section, the commission of which was apparent to the superior and which the superior could have prevented.

2) A person who, as a supervisor (section 321g(2)), negligently commits an act punishable under subsection (1) shall be punished by imprisonment for not more than three years.

§ 321i

Failure to report a crime

A superior (section 321g(2)) who fails to bring an act under this section committed by a subordinate promptly to the attention of the agencies responsible for investigating or prosecuting such acts shall be punished by imprisonment from six months to five years.

§ 321k

Acting on orders or other instructions

The offender shall not be punished for an act under sections 321b to 321i if he commits the act in execution of a military order or other order of comparable binding effect, unless the offender realizes that the order or order is unlawful and its unlawfulness is also obvious.

§ 321l

Crime of aggression

1) Whoever, being in a position in fact to control or direct the political or military action of a State, initiates or carries out an act of aggression which, by its nature, gravity and extent, constitutes a flagrant violation of the Charter of the United Nations, shall be punished by imprisonment for a term of ten to twenty years.

2) Any person who plans or prepares such an act of aggression under the conditions specified in subsection 1 shall be punished by imprisonment for a term of five to ten years.

3) For the purposes of paragraph 1, "act of aggression" means a use of armed force by another State against the sovereignty, territorial integrity or political independence of a State or otherwise inconsistent with the Charter of the United Nations.

Final part

§ 322

Entry into force

This Act shall enter into force on January 1, 1989.

II. Code of Criminal Procedure (StPO)

from 18 October 1988

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I. Main Part General

Provisions

§ 1

1) Punishment for acts referred to the court for adjudication may be imposed only after prior criminal proceedings in accordance with the Code of Criminal Procedure and as a result of a judgment rendered by the competent judge.

2) The death of the defendant ends the criminal proceedings. In this case, any judgment that has not yet become final shall also become irrelevant. The statutory provisions on the conduct of objective proceedings shall not be affected by this.

§ 2

1) The judicial prosecution of the criminal acts occurs only at the request of a prosecutor.

2) If a criminal act is to be prosecuted only at the request of the injured party or another party, the latter shall be entitled to bring a private prosecution. In the cases referred to in the first and second sentences of section 117(2) of the Criminal Code, the injured party shall be entitled to bring charges himself even if the public prosecutor is therefore unable to prosecute the criminal act,

because either the infringed party declares irrevocably within the period specified in Section 31 para. 1 without prior request of the public prosecutor irrevocably declares not to grant the required authorization, or one of the declarations required for authorization by the injured person and the authority superior to him is refused at the request of the public prosecutor; in the case of such a refusal or in the case of subsequent withdrawal of one of the declarations required for authorization of the public prosecutor, the beginning of the period for filing the indictment for the injured person shall be determined in accordance with section 117 para. 2 last sentence of the Criminal Code.

3) All criminal acts not subject to private prosecution, including those for which a request or authorization is required for prosecution, shall be the subject of public prosecution. The public prosecution shall be the responsibility of the public prosecutor, but may also be taken over by the private party in his place in accordance with sections 32 and 173.

4) If the prosecution takes place only upon request, it cannot be initiated until the request is proven to the court. The motion may be withdrawn until the conclusion of the hearing.

5) If the prosecution takes place only with the authorization of the injured person or other

If a private party joins the criminal proceedings as a private party, the public prosecutor or the national police shall, if the authorization has not already been granted, immediately ask whether it is granted. The declaration to join the criminal proceedings as a private party shall be considered as authorization. The authorization shall be deemed to have been refused if it is not granted within four or ten days after the request has been served; in the case of a public hearing of the Diet, the fourteen-day period shall be replaced by a period of six weeks, not including the period during which the Diet is not in session. The authorization must refer to a specific person and must be presented to the court by the beginning of the final hearing. The authorization may be withdrawn until the end of the hearing.

6) Public prosecution shall cease as soon as the Prince Regnant orders that no criminal proceedings shall be instituted in respect of a criminal offence or that the proceedings instituted shall be discontinued.

§ 2a

It is inadmissible to induce persons to undertake, continue or complete a criminal act or to entice them to confess by means of secretly appointed persons.

§ 3

All authorities involved in criminal proceedings shall consider circumstances serving to incriminate and defend the accused with equal care and shall be obliged to inform the accused of his or her rights, even where this is not expressly prescribed.

§ 4

Private-law claims of the injured party shall, at the request of the injured party, also be settled in the criminal proceedings, unless the necessity of further execution makes it appear indispensable to refer them to the civil-law courts.

§ 5

1) The criminal investigation and assessment shall also extend to the preliminary issues under private law.

2) The criminal judge shall not be bound by the civil judge's decision on such a case, insofar as it relates to the assessment of the defendant's criminal liability.

§ 6

1) The deadlines specified in this Act may, if the contrary is not out-

The term shall not be extended if it has been expressly provided for. If they are to run from a certain day, they are to be calculated in such a way that this day is not counted. Time limits determined by hours shall be calculated from moment to moment.

2) The beginning and running of a time limit is not hindered by Sundays and days equivalent to Sundays (Art. 1 FAHG). However, if the end of a period falls on such a day, the next working day is to be regarded as the last day of the period.

3) The days of the post run are not included in the deadline.

4) Unless otherwise specified in detail, appeals, legal remedies and all other submissions to the court, the public prosecutor's office or the state police may be made in writing or orally on record. Insofar as they are subject to a time limit, they shall also be deemed to be timely if they are submitted within this time limit to the authority that is to decide on them.

§ 7

1) If a fine imposed under the Code of Criminal Procedure proves to be wholly or partially irrecoverable, the court shall reassess it in cases worthy of consideration, but otherwise shall convert it into a substitute term of imprisonment of up to eight days.

2) The provisions of the Penal Execution Act on the execution of prison sentences not exceeding three months shall apply mutatis mutandis to the execution of these substitute custodial sentences, as well as to the custodial sentences and coercive detention threatened in the penal process.

3) All fines go to the country.

§ 8

1) The courts, the public prosecutor's office and the state police shall, for the performance of their duties under this Act, be obliged to provide mutual administrative assistance and shall be entitled to request the assistance of all state and municipal authorities directly. These authorities shall execute such requests without undue delay or shall immediately disclose the obstacles that prevent execution.

2) Requests pursuant to paragraph 1 relating to criminal offences committed by a specific person may only be refused with reference to existing statutory obligations to maintain confidentiality or to the fact that personal data processed with the aid of automated systems are involved if either these obligations are also expressly imposed on the court or if the response is contrary to overriding public interests,

which are to be listed and justified in detail.

3) The courts, the public prosecutor's office and the state police shall be entitled to provide information on personal data obtained under this Act for the purposes of security administration, the administration of criminal justice and the control of the lawfulness of the actions of the aforementioned bodies. The transmission of data to authorities other than the state police, the public prosecutor's office and the court is otherwise only permitted if there is an express statutory authorization to do so.

4) If the execution of the request is refused or if the request is not executed in full or is executed in a delayed manner, the court, the State

The prosecuting authority must notify the superior authority of this circumstance so that appropriate remedial action can be taken. If this obligation is disregarded, the prosecuting authorities cannot invoke the delay of another authority as a justification for delaying the proceedings. If, on the other hand, a request by the public prosecutor's office for administrative or legal assistance is not complied with or not complied with in full by a requested court, the higher court shall, at the request of the public prosecutor's office, decide without prior oral proceedings on the lawfulness of the failure to provide administrative or legal assistance or on the other subject of the difference of opinion.

Ia. Main Part Of

the National Police

§ 9

1) The state police shall cooperate in the investigation and prosecution of criminal offenses in accordance with the provisions of this Act. It shall investigate ex officio or on the basis of a report; it shall comply with orders of the public prosecutor's office and the court.

2) In accordance with Art. 21 et seq. of the Police Act, the National Police are authorized to use proportionate and appropriate coercion to enforce the order of the public prosecutor or the court (Art. 20 of the Police Act) or the powers granted to them under this Act. In doing so, the lan- dary police shall be empowered, under the conditions and formalities provided for in each case, to use physical force against persons and property to the extent that this is indispensable for the investigation and less severe means are not suitable. An order for arrest (Section 128(1)) also entitles them to do so,

to search the apartment or other places protected by domestic law for the person to be arrested, if the arrest is to be carried out in these rooms according to the content of the order.

3) Insofar and as long as this is necessary for the execution of a coercive measure or the taking of evidence, the state police are authorized, on their own initiative or on the basis of an order, to lock containers or premises by affixing a seal or to cordon off crime scenes in order to prevent unauthorized persons from entering.

4) If a person refuses to perform an act which he or she is legally obliged to perform, this conduct may be replaced directly by coercion in accordance with subsection 2 or by a judicial decision. If this is not possible, the person may be compelled to comply with his or her obligation by means of coercion if he or she is not himself or herself suspected of the offence or legally released from the obligation to testify. Coercive means may only be used if they are proportionate to the gravity of the offence, the degree of suspicion and the success sought.

5) A fine of up to 10,000 francs and, in important cases, a custodial sentence of up to six weeks may be used as a means of coercion. The court shall decide on the application and extent of coercive measures.

6) The use of direct coercion must be threatened and announced if the person concerned is present. This may only be dispensed with if the success of the investigation would thereby be jeopardized.

§ 10

1) The provincial police are obliged to investigate any suspicion of a crime subject to public prosecution that comes to their attention. To this end, the provincial police shall immediately conduct investigations to establish the facts of the case and issue such orders as are necessary to prevent the removal of traces of the crime or the escape of the suspect. The state police may arrest persons and take other coercive measures only in the cases provided for in this Act without being asked to do so. They shall report their orders and investigations to the public prosecutor's office or the examining magistrate in accordance with § 11.

2) The state police shall be entitled to perform its task under subsection 1,

1. Receive notices and request information from persons;

2. to establish the identity of suspects and of persons who can help to clarify the suspicion (Section 91a);

3. To provide identification services to persons who are strongly suspected of committing a crime or misdemeanor (Art. 24a of the Police Act);

4. to question witnesses and suspects without being sworn, whereby it shall apply the provisions of X. to XII. shall apply mutatis mutandis;

5. search land and premises, vehicles or containers not generally accessible and not belonging to the household (Section 92(1)), as well as a person under Section 92(2);

6. to carry out a search of the house in the cases referred to in Section 94;

7. have a biological crime scene trace or a non-invasively taken sample of per- son examined (Section 95a(3), last sentence);

8. Ensure items in accordance with § 96a;

9. monitor the conduct of a person in accordance with § 104a;

10. to conduct an undercover investigation (Section 104b).

3) Insofar as the state police do not conduct undercover investigations, they must refer to their official position, unless this is obvious from the circumstances. They may accept notifications or request information, provided that this is given voluntarily and is not coerced. The provisions on the questioning of accused persons and witnesses may not be circumvented by this. The content of information and other circumstances obtained through such inquiries and which may be of significance for the proceedings shall be recorded in an official report (Section 47(2)).

4) The postponement of the obligations incumbent on the National Police under this provision shall be permitted if

1. the investigation of a substantially more serious criminal offence or the investigation of a leading participant in the commission of the criminal offence is thereby promoted and no serious danger to the life, health, physical integrity or freedom of third parties is associated with the postponement, or

2. otherwise a serious danger to the life, health, physical integrity or freedom of a person would arise which cannot be averted by other means.

5) The state police shall immediately notify the public prosecutor's office of a postponement under subsection 4.

§ 11

1) The state police must keep a record of their investigations so that an-

The execution and result of these investigations can be traced. The exercise of coercion and of powers that are

The court shall state the reasons for any interference with rights, unless such reasons are already stated in the order of the public prosecutor's office or the court.

2) The state police shall report to the public prosecutor's office in writing (para. 1) if and as soon as

1. it becomes aware of the suspicion of a serious crime or other crime of special public interest (seizure report),

2. an order of the public prosecutor's office or the court is required or they demand a report (occasion report),

3. it has completed its investigations pursuant to §§ 9 and 10, but in any case as soon as three months have elapsed in proceedings against a particular person since the first investigation against that person without a report having been made, or three months have elapsed since the last report (interim report),

4. it has completed all investigations assigned to it or the facts of the case and the suspicion of the crime appear to have been clarified to such an extent that a decision can be made by the public prosecutor's office regarding indictment, withdrawal from prosecution or discontinuation (final report).

3) A report pursuant to para. 2 shall contain, in particular, insofar as these circumstances have not already been reported:

1. the names of the accused, or, if these are not known, the characteristics necessary for their identification or investigation, their financial circumstances and the acts of which they are suspected, and their legal designation,

2. the names of the persons who reported the crime, the victims and any other persons who can help to clarify the situation,

3. a summary of the facts and suggestions on how to proceed,

4. any requests by the defendants or other parties to the proceedings and declarations by injured parties to join the criminal proceedings on the grounds of private law claims.

4) With each report, the public prosecutor's office or the court, if this has not yet been done, shall be provided with all state police files necessary for the assessment of the factual and legal situation.

5) The state police may inspect the files only if ordered to do so by the court;

with applications directed to this end shall otherwise be proceeded with in accordance with para. 2 item 2.

II. Main section

From the courts

§ 12

1) The following are appointed to criminal jurisdiction:

1. the district court;

2. the high court;

3. the Supreme Court.

2) Everyone shall be obliged to appear before the criminal court in response to a summons issued to him, to answer it and to obey its orders.

3) Insofar as, according to the following provisions, the amount of the threatened custodial sentence is decisive for the jurisdiction of the criminal courts and the procedure to be followed, the modification of the threats of punishment by sections 39 and 313 of the Criminal Code shall be taken into account. In the case of the commission of a punishable act in a state of full intoxication, the limitation of the threat of punishment by Section 287 (1) last sentence of the Criminal Code shall be taken into account in this respect.

§ 13

The district court shall:

1. the conduct of the investigation;

2. the final hearing and sentencing for all criminal acts.

§ 14

In the allocation of business of the Regional Court, one or more single judges shall be appointed as investigating judges (Section 13(1)).

§ 15

1) Pursuant to § 13 item 2, the Regional Court shall perform its duties in a collegiate capacity as a criminal court or by single judges.

2) The final hearing and sentencing shall be the responsibility of the criminal court:

1. for all crimes within the meaning of Section 17 (1) of the Criminal Code, but in cases of burglary under Section 129 (1) to (3) of the Criminal Code (in conjunction with Section 12 (3)) only if the penalty exceeds five years;

2. For the following offenses:

a) anti-state connections (Section 246 (3) of the Criminal Code);

b) Disparagement of the state and its symbols (§ 248 StGB);

c) Disclosure of state secrets (§ 253 StGB);

d) secret intelligence service to the detriment of Liechtenstein (§ 256 StGB);

e) criminal acts in elections and voting (Sections 261 to 268 of the Criminal Code);

f) Breach of the peace (§ 274 StGB);

g) Land constraint (Section 275 of the Penal Code);

h) armed connections (§ 279 StGB);

i) Accumulation of explosive ordnance (Section 280 of the Criminal Code);

k) incitement to commit punishable acts and approval of punishable acts (Section 282 of the Criminal Code) as well as failure to prevent a punishable act (Section 286 of the Criminal Code), if the act was committed in relation to one of the punishable acts listed under a) to i).

3) The final hearing and passing of judgment shall be the responsibility of the single judge, unless the criminal court has jurisdiction within the meaning of subsection 2.

4) If the accused is charged with several criminal acts and if the criminal court has jurisdiction over only one of them, it shall have jurisdiction to hear and decide all criminal acts. However, the court having jurisdiction to hear and decide all criminal cases shall be free to issue orders within the meaning of section 67(3).

5) If the single judge considers that he has no jurisdiction because the facts on which the criminal complaint is based, either in themselves or in connection with the circumstances arising during the final hearing, do not allow him to exercise jurisdiction

If the prosecutor is unable to justify the jurisdiction of the criminal court, it shall pronounce its lack of jurisdiction by judgment. In this case, as soon as the judgment of lack of jurisdiction becomes final, the prosecutor shall file his motions within fourteen days.

6) The provisions of the Juvenile Court Act remain reserved.

§ 16

The Supreme Court shall decide on appeals and complaints against judgments and orders of the Regional Court. As a court of first instance, the higher court shall decide only in exceptional cases in accordance with special statutory orders.

§ 17

The Supreme Court decides on appeals and complaints against judgments and orders of the Supreme Court.

§ 18

In case of jurisdictional disputes between courts, the next jointly superior court, ultimately the Supreme Court, shall decide.

III. Main section

From the prosecutor's office

§ 19

1) The duties and organization of the Public Prosecutor's Office shall be governed by the provisions of the Public Prosecutor's Act, unless otherwise provided by this Act.

2) The public prosecutor is independent of the courts in the performance of his duties.

§ 20

1) The public prosecutor shall participate in all proceedings regulated by this Act, in particular in all investigations and final hearings of criminal proceedings instituted for felonies, misdemeanors and infractions.

2) The public prosecutor shall see to it that all means useful for the investigation of the truth are duly used. He shall be authorized at any time to take cognizance of the state of the pending investigations by inspecting the files or to demand that they be communicated to him and to file the appropriate motions, without, however, being permitted to hold up the criminal proceedings as a result.

3) The public prosecutor shall make his requests orally or in writing, and each of them shall be the subject of a judicial order or decision. In the same way, he shall make statements on motions of the accused or on inquiries of the court.

4) The prosecutor shall not participate in deliberations of the Court.

5) He is authorized to liaise directly with security and other authorities and to seek their assistance.

§ 21

1) The public prosecutor's office shall investigate ex officio, with the assistance of the national police, all criminal acts which come to its knowledge and which are not to be investigated and punished merely at the request of a party, and shall prosecute those suspected of committing them in order to do what is necessary on account of

of investigation and punishment by the court to be able to arrange.

2) However, if the accused is charged with several criminal acts, he may refrain from prosecuting individual acts and withdraw from the prosecution subject to subsequent prosecution (section 281(1)(3)):

a) if it is not likely to have a significant impact on the penalties or measures securing the sentence, or on the legal consequences associated with the sentence;

b) if the accused is extradited to a foreign authority on account of the other criminal acts and the penalties or protective measures to be expected in Germany are not significant in comparison with those likely to be imposed abroad. If the public prosecutor later resumes the reserved prosecution, a further reservation on account of individual criminal acts is inadmissible.

3) The public prosecutor may also refrain from or withdraw from the prosecution of a criminal offence committed abroad if the

offender has already been punished for it abroad and there is no reason to believe that the domestic court will impose a more severe punishment.

4) The rights to which the private parties are entitled under sections 173 and 320 shall not be affected by the provisions of subsections 2 and 3. Therefore, the private parties shall be notified if the public prosecutor makes use of one of the possibilities granted in paras. 2 and 3 to refrain from prosecution. This notification shall be incumbent on the public prosecutor, but if the matter has been referred to the examining magistrate, on the latter.

5) Retrieved

6) Retrieved

§ 21a

1) For this purpose, the public prosecutor is also entitled to have the state police or the examining magistrate conduct preliminary investigations in order to obtain the necessary indications for initiating criminal proceedings against a certain person (section 22(1)).

2) The examining magistrate shall also have the rights and duties in these preliminary inquiries that are incumbent upon him in the investigation; the National Police shall proceed in accordance with the provisions of Ia. The state police shall proceed in accordance with the provisions of Section Ia.

3) The public prosecutor's office shall be entitled to prosecute persons who have provided clarifications on began-.

The state police may interrogate such persons themselves without being sworn in. It may also interrogate such persons itself without being sworn, and furthermore have the state police conduct and attend an inspection and search of a house, insofar as these official acts cannot be carried out or ordered by the competent examining magistrate due to imminent danger.

4) The minutes of these acts, which must comply with all the formalities prescribed for official judicial acts of this kind, may, however, be used as evidence in the event of other nullity only if they have been communicated without delay to the examining magistrate, who must check their form and completeness and, if necessary, cause them to be repeated or supplemented.

§ 22

1) If the public prosecutor's office, after examining the complaint or the final report (Section 11(2)(4)) and the results of the preliminary investigations, which may be supplemented on its order, finds sufficient grounds to initiate criminal proceedings against a particular person, it shall file either the request for the initiation of the investigation or the indictment. In the opposite case, it shall discontinue the preliminary investigation with a brief record of the considerations determining it and shall notify the examining magistrate thereof, insofar as the latter was concerned with the preliminary investigation. In this case, the investigating judge shall immediately release the accused who may be liable.

2) The public prosecutor's office shall notify persons who have already been questioned as suspects of the criminal offence (section 23(3)) or who, according to the contents of the files, have otherwise become aware of the suspicion directed against them, as well as any victims and private parties involved, of the discontinuation of the preliminary investigation.

IIIa. Main part

Withdrawal from prosecution after payment of a sum of money, after community service, after a probationary period and after an out-of-court settlement (diversion).

I. General

§ 22a

1) The public prosecutor shall proceed in accordance with this section and shall refrain from prosecuting a criminal offense if it is established on the basis of sufficiently clarified facts that filing a complaint in accordance with section 22 is out of the question, but that punishment would be inappropriate in view of

1. the payment of a sum of money (§ 22c) or

2. the provision of community services (§ 22d) or

3. the determination of a probationary period, if necessary in connection with probation assistance and the fulfillment of duties (§ 22f) or

4. an out-of-court settlement (Section 22g) does not appear to be necessary in order to deter the suspect from committing criminal acts or to counteract the commission of criminal acts by others.

2) However, action under this principal section is permissible only if.

1. the offense constitutes a violation under Article 21 of the Narcotics Act, Article 35, paragraph 2 of the Animal Protection Act, Article 101 or 102, paragraphs 1 to 3 of the Children and Young Persons Act or Article 54 of the Therapeutic Products Act, a misdemeanor or a burglary under Section 129, items 1 to 3 of the Penal Code, provided that the penalty does not exceed five years,

2. the guilt of the suspect would not be considered serious, and3. the act did not result in the death of a person.

3) Moreover, action under this main section is excluded in any case in the case of the criminal acts of sexual coercion (Section 201 of the Criminal Code) and desecration (Section 204 of the Criminal Code).

§ 22b

The court shall apply the provisions of this Code applicable to the public prosecutor mutatis mutandis and, after the initiation of the investigation or the filing of the indictment, shall discontinue the proceedings for a criminal offense to be prosecuted ex officio under the conditions applicable to the public prosecutor by order until the conclusion of the final hearing.

II. Withdrawal from the pursuit after payment of a sum of money

§ 22c

1) Under the conditions of Section 22a, the public prosecutor may withdraw from the prosecution of a criminal offense if the suspect deposits a sum of money for the benefit of the country.

2) The amount of the fine shall not exceed the amount corresponding to a fine of 180 daily penalty units or a fine of 20,000 francs plus the costs of the criminal proceedings to be reimbursed in the event of a conviction. It shall be paid within four weeks of service of the notice under paragraph 4. However, if this would be unreasonably harsh on the suspect, he may be granted a deferral of payment.

be granted for a maximum of six months or payment of partial amounts within this period may be permitted.

3) Moreover, to the extent possible and appropriate, withdrawal from prosecution shall be conditional upon the suspect's

within a period to be determined of no more than six months, makes good the damage resulting from the act and proves this without delay.

4) The public prosecutor shall inform the suspect that the conduct of criminal proceedings against him for a certain criminal act is planned, but that it will not be carried out if he pays a fixed amount of money and, if necessary, makes reparation for the damage in a certain amount. Furthermore, the public prosecutor shall instruct the suspect in the meaning of Section 22k and about the possibility of a deferment of payment (subsection 2), unless he holds out the prospect of such a deferment ex officio.

5) After payment of the sum of money and any compensation for damages, the public prosecutor shall withdraw from the prosecution unless the proceedings are to be instituted or continued subsequently in accordance with section 22h.

III. Withdrawal from the pursuit after community service

§ 22d

1) Under the conditions of section 22a, the public prosecutor may provisionally withdraw from the prosecution of a criminal offense if the suspect has expressly agreed to perform community service free of charge within a period to be determined not exceeding six months.

2) Community service should express the willingness of the suspect to take responsibility for the crime. They are to be performed during free time at a suitable institution, with which agreement is to be reached.

3) To the extent that this is possible and expedient, the withdrawal from prosecution after community service shall furthermore be made conditional upon the suspect making good any damage resulting from the offense or otherwise contributing to compensating for the consequences of the offense within a period to be determined of no more than six months and providing evidence thereof without undue delay.

4) The public prosecutor shall inform the suspect that criminal proceedings are planned against him for a certain criminal offence, but that they will not be conducted for the time being if he agrees to perform community service of a certain type and extent within a certain period of time and, if necessary, to compensate for the offence. The public prosecutor has to inform the suspect in the sense of the following

of section 22k; it may also request a person experienced in social work to provide such notification and instruction and to arrange for the community service (Art. 24c Probation Assistance Act). The institution (para. 2) shall issue to the suspect or the social worker a confirmation of the services rendered, which shall be submitted without delay.

5) After the community service has been rendered and any consequences of the offence have been settled, the public prosecutor shall withdraw from the prosecution unless the proceedings are to be instituted or continued subsequently in accordance with section 22h.

§ 22e

1) Community service may not exceed eight hours per day, 40 hours per week and 240 hours in total; simultaneous education and training or employment of the suspect must be taken into account. Charitable services that would constitute an unreasonable intrusion into the personal rights or lifestyle of the suspect are not permitted.

2) The head of the office of the private association entrusted with the provision of probation assistance shall keep a list of institutions suitable for the provision of community services and shall add to it as necessary. This list shall be made available to any person upon request.

3) If the suspect causes damage to the institution or its provider while providing services, § 1173a Art. 8 of the General Civil Code shall apply mutatis mutandis to his obligation to pay compensation. If the suspect causes damage to a third party, the state shall also be liable for this in addition to the suspect in accordance with the provisions of civil law. In this case, the institution or its carrier shall not be liable to the injured party.

4) The state has to compensate the damage only in money. The Land may claim restitution from the institution where the community service was rendered or from its sponsor, insofar as the latter or its organs are charged with intent or gross negligence, in particular through neglect of supervision or instruction. Section 1173a Art. 8 ABGB shall apply mutatis mutandis to the relationship between the state and the suspect.

5) If the suspect suffers an accident or illness while performing community service, the provisions of Art. 62 et seq. of the Penitentiary System Act shall apply mutatis mutandis.

IV. Withdrawal from the pursuit after a trial period

§ 22f

1) Under the conditions of Section 22a, the public prosecutor may provisionally withdraw from the prosecution of a criminal offense, specifying a probationary period of one to two years. The probationary period shall commence upon service of the notice of provisional withdrawal from prosecution.

2) To the extent that this is possible and expedient, the provisional withdrawal from prosecution shall moreover be made conditional on the suspect's express willingness to fulfill certain duties during the probationary period, which could be issued as instructions (Section 51 of the Criminal Code), and to be supervised by a probation officer (Section 52 of the Criminal Code). In particular, the duty to make good the damage caused to the best of one's ability or to otherwise contribute to compensating for the consequences of the offense may be considered.

3) The public prosecutor shall inform the suspect that the conduct of criminal proceedings against him/her for a certain criminal offense will be suspended for a certain probationary period and shall instruct him/her in the meaning of Section 22k. If necessary, the public prosecutor shall inform the suspect that this provisional withdrawal from prosecution requires that he expressly agrees to take on certain obligations and to be supervised by a probation officer (subsection 2). In this case, the public prosecutor may also request a person experienced in social work to provide notification and instruction and to assist the suspect in fulfilling his duties (Art. 24c Probation Assistance Act).

4) After expiry of the probationary period and fulfillment of any duties, the public prosecutor shall finally withdraw from the prosecution unless the proceedings are to be instituted or continued subsequently in accordance with section 22h.

V. Withdrawal from prosecution after out-of-court settlement of the offense

§ 22g

1) Under the conditions of Section 22a, the public prosecutor may withdraw from the prosecution of a criminal act if the suspect is prepared to accept responsibility for the act and to deal with its causes, if he compensates for any consequences of the act in a manner that is appropriate under the circumstances, in particular by making good the damage caused by the act or otherwise contributing to compensating for the consequences of the act, and if, if necessary, he enters into undertakings indicating his willingness to refrain in the future from conduct that led to the act.

2) The injured party shall be involved in efforts to reach an out-of-court settlement, insofar as he is willing to do so. The achievement of a settlement is

dependent on his consent, unless he does not give it for reasons that are not worthy of consideration in the criminal proceedings. In any case, his legitimate interests shall be taken into account (Section 22i).

3) The public prosecutor may request a conflict controller to instruct the injured person and the suspect on the possibility of an out-of-court settlement of the offence and in terms of sections 22i and 22k and to initiate and support efforts to achieve such a settlement (Art. 24b Probation Assistance Act).

4) The conflict controller shall report to the public prosecutor on compensation agreements and verify their fulfillment. He shall submit a final report if the suspect has fulfilled his obligations at least to such an extent that, taking into account his other conduct, it can be assumed that he will continue to comply with the agreements, or if it can no longer be expected that a settlement will be reached.

VI. Subsequent initiation or continuation of criminal proceedings

§ 22h

1) After a not merely provisional withdrawal from the prosecution of the suspect under this main section (sections 22c(5), 22d(5), 22f(4) and 22g(1)), the initiation or continuation of the proceedings shall be admissible only under the conditions of ordinary reopening. Prior to such a resumption, the criminal proceedings shall in any case be initiated or continued if the suspect so requests.

2) If the public prosecutor has proposed that the suspect pay a sum of money (section 22c(4)), perform community service (section 22d(4)), serve a probationary period or assume any duties (section 22f(3)), or if the public prosecutor has provisionally withdrawn from prosecuting the offence (sections 22d(1), 22f(1)), he shall initiate or continue the criminal proceedings if

1. the suspect fails to pay or pay in full or on time the amount of money together with any compensation for damages or community service together with any compensation for the crime,

2. the suspect does not adequately fulfill the obligations assumed or is objectionably beyond the influence of the probation officer, or

3. criminal proceedings are instituted against the suspect for any other criminal offense prior to payment of the fine together with any compensation for damages or prior to performance of community service together with any compensation for damages or prior to performance of community service or prior to the expiration of the probationary period.

is initiated. In this case, the subsequent initiation or continuation of the proceedings shall be permissible as soon as charges are brought against the suspect for the new or newly occurring criminal offence, and this shall still be the case for one month after this charge has been brought, even if in the meantime the fine has been paid, the community service has been rendered or the compensation for the consequences of the offence has been effected or the probationary period has expired. However, the subsequently instituted or continued criminal proceedings shall be discontinued in accordance with the other requirements if the new criminal proceedings are terminated in a manner other than by a guilty verdict.

3) However, the initiation or continuation of the proceedings may be waived if this appears justifiable for special reasons in the cases referred to in subsection 2(1), and in the cases referred to in subsections 2(2) and 3(3) if it is not necessary under the circumstances to deter the suspect from committing criminal offences. Moreover, the initiation or continuation of the proceedings in the cases referred to in para. 2 shall be permissible only if the suspect does not accept the proposal of the public prosecutor referred to therein.

4) If the suspect is unable to pay the amount of money in full or on time, or to meet the assumed obligations in full or on time, because a significant change in the circumstances determining the amount of money or the nature or extent of the obligations makes it unreasonably difficult for him/her to do so

the public prosecutor may reasonably modify the amount of the fine or the obligation.

5) Obligations which the suspect has assumed and payments which he has agreed to make shall become invalid upon the subsequent initiation or continuation of the proceedings. The probation assistance shall end; however, section 144b shall remain unaffected. Any services rendered by the suspect in this connection shall be taken into account in any assessment of the sentence. If the suspect is acquitted or otherwise removed from prosecution, only sums of money paid in accordance with section 22c are to be repaid, but other services are not to be replaced.

VII. Rights and interests of the injured person

§ 22i

1) When proceeding in accordance with this main section, the interests of the defendant must always be examined and, insofar as they are justified, promoted to the greatest possible extent. In order to be able to assess whether it is possible or expedient to make good the damage or otherwise compensate for the consequences of the offence, the public prosecutor must, if necessary, arrange for appropriate investigations to be carried out. The injured party has the right,

to consult a person of trust. In any case, he/she shall be informed comprehensively of his/her rights as soon as possible and shall be informed of suitable counseling centers. Before withdrawing from the prosecution, he/she shall be heard insofar as this appears to be in his/her best interests.

2) The injured party shall be notified in any case if the suspect declares his willingness to make good the damage caused by the act or otherwise contribute to compensating for the consequences of the act. The same shall apply in the event that the suspect assumes an obligation that directly affects the interests of the injured party.

VIII. Instruction of the suspect

§ 22k

1) In the case of a proceeding under this section, the suspect shall be informed in detail of his legal status, in particular, of the requirements for withdrawal from the prosecution under this section, of the requirement of his consent, of his possibility to request initiation or continuation of the proceeding and of the

other circumstances that may give rise to the initiation or continuation of the proceedings (section 22h(2)), as well as on the need for a lump-sum contribution to costs (section 305a).

2) Retrieved

IX. Common provisions

§ 22l

1) In order to clarify the conditions for proceeding under this section, the public prosecutor or the court may request the head of the office of the private association entrusted with probation assistance to contact the injured person, the suspect and, if necessary, the institution where community service is to be rendered or training or courses attended, and, if applicable, with the institution where community service is to be rendered or a course of instruction or training is to be attended, and to decide whether the payment of a sum of money, the rendering of community service, the determination of a probationary period, the assumption of certain duties, supervision by a probation officer or an out-of-court settlement of the offence would be expedient. For this purpose, the public prosecutor may also conduct his own investigations and hear the offender, the suspect and other persons.

2) The probationary period under section 22f(1) and the periods for payment of a sum of money together with any compensation for damage and for rendering community service together with any compensation for the consequences of the offence (sections 22c(2) and (3), 22d(1) and (3)) shall not be included in the period of limitation (section 58(3) StGB).

§ 22m

1) The public prosecutor may withdraw from the prosecution in accordance with this section as long as he has not brought an indictment. Thereafter, he shall apply to the court to discontinue the proceedings (Section 22b).

2) Judicial decisions under this section shall be taken by the investigating judge during the investigation, by the adjudicating court at the final hearing, and by the presiding judge otherwise. Before the court serves a notice under sections 22c(4), 22d(4), 22f(3) or an order discontinuing the proceedings or refusing to institute them, it shall hear the public prosecutor. Such a decision shall not be served on the suspect until it has become final as against the public prosecutor.

3) The public prosecutor shall have the right to appeal to the Supreme Court against a decision to institute criminal proceedings under this section or to refuse to institute such proceedings (sections 22c(5), 22d(1) and (5), 22f(1) and (4), 22g(1) in conjunction with section 22b), and the suspect and the public prosecutor shall have the right to appeal to the Supreme Court against the rejection of an application to discontinue criminal proceedings within 14 days of service. As long as such an appeal has not been decided upon, a final hearing shall not be held.

4) The suspect and the public prosecutor shall have the right to appeal to the Supreme Court against a decision on the subsequent initiation or continuation of criminal proceedings (Section 22h) within 14 days of service. The appeal against the subsequent initiation or continuation of criminal proceedings shall have suspensive effect.

IV. Main section

From the accused, his defense and the liable parties

I. Defendant and defense attorney

§ 23

1) A person suspected of committing a criminal offence may be regarded as an accused only after an indictment or a criminal complaint has been filed against him or an application for the initiation of an investigation has been submitted. Until that time, he shall be considered a suspect.

2) A defendant is a person against whom a final trial has been ordered for a crime or misdemeanor.

3) Provided, however, That to the extent that the provisions of this Act relating to the accused do not appear by their nature to be limited to the investigation, they shall be

shall also apply to the accused and to the person who is questioned as a suspect of a criminal act or is summoned for questioning as such or is taken into custody or detention or is subjected to coercion (Section 9(4)).

4) The accused shall be notified as soon as preliminary judicial inquiries are conducted against him or the investigation against him is initiated.

has been directed. The notification shall contain the subject matter of the accusation and an instruction on the essential rights in the proceedings. It may be postponed as long as it would jeopardize the purpose of the preliminary investigation or the investigation.

§ 23a

1) A defendant who is unable to communicate sufficiently in the language of the proceedings has the right to translation assistance. This shall be provided by an interpreter to the extent that this is necessary in the interests of justice, in particular to safeguard the rights of defence of the accused. This shall apply in particular to legal instructions (Section 23(4)), to the taking of evidence in which the accused participates, and to negotiations. Upon request, the defendant shall also be provided with translation assistance for contact with a defense counsel assigned to him or on the occasion of the announcement of an application, an order or a court decision. For the inspection of files, the defendant shall only be provided with translation assistance if he/she does not have a defense counsel and if he/she cannot be expected for special reasons to arrange for the translation of the relevant parts of the file that have been handed over to him/her in copy.

2) If the accused is deaf or mute, an interpreter for sign language shall be consulted, provided that the accused can communicate in this language. Otherwise, an attempt shall be made to communicate with the accused in writing or in another suitable manner in which the accused can make himself understood.

§ 23b

1) The accused is entitled to request the public prosecutor's office to take evidence already during the preliminary investigation. The request must specify the subject of the evidence, the evidence and the information required for the taking of evidence. If this is not obvious, reasons must be given as to why the evidence could be suitable for clarifying the subject of the evidence.

2) Inadmissible, useless and impossible evidence shall not be taken. Furthermore, the taking of evidence suggested by the accused may only be omitted if

1. the subject of the evidence is obvious or irrelevant for the assessment of the suspicion of the crime,

2. the evidence is not suitable to prove a material fact, or

3. the subject of the evidence can be considered proven.

3) Section 43 shall apply to the filing of an application in the investigation proceedings; the investigating judge may reserve the taking of evidence for the final hearing. This is inadmissible if the result of the taking of evidence may be suitable for directly removing the suspicion of the offence or if there is a risk that the evidence of a material fact will be lost. If the evidence is not taken, the court shall inform the accused of the relevant reasons.

§ 24

1) The accused may avail himself of the services of a defense counsel already during the preliminary investigation and in all criminal proceedings. The defense counsel shall advise and assist the defendant. He shall be entitled and obliged to use every means of defense and to present everything that serves the defense of the accused without hesitation, insofar as this does not contradict the law, his mandate and his conscience.

1a) Unless otherwise provided for in this Act, the defense counsel shall exercise the procedural rights to which the accused is entitled. However, the accused may always make statements himself; in the case of conflicting statements, his shall apply. However, a waiver of appeal against the judgment which the accused does not make in the presence of and after consultation with his defense counsel shall be without effect.

1b) If a lawyer intervenes as a defense counsel, invoking the power of attorney granted to him shall replace its documentary evidence.

2) Any person entitled to act on his own behalf may be appointed as defense counsel, but in the cases regulated in § 26 (2) and in appeal proceedings only a lawyer who is registered in the list of lawyers or otherwise admitted by law or by virtue of a government permit to practice in the Principality of Liechtenstein.

3) For a minor and a person to whom a guardian has been appointed, the legal representative may appoint a defense counsel even against his or her will.

§ 25

1) A person shall be excluded from the defense if he or she is the subject of proceedings for participation in the same criminal act or for aiding and abetting such criminal act.

is pending, or who abuses the intercourse with the stopped defendant to commit criminal offenses or to significantly endanger the security and order of a prison, in particular by unlawfully delivering or receiving objects or messages.

1a) The exclusion from the defense shall be pronounced by the court by way of an order on application by the public prosecutor; before doing so, it shall give the defense counsel the opportunity to state his case. Section 185 shall apply in all other respects; in cases where the defense is necessary, Section 26(3) shall apply. The exclusion shall be revoked as soon as its conditions have ceased to apply.

2) The accused shall also be permitted to have several defense counsel; however, this shall not result in an increase in the number of presentations permitted for the accused at the final hearing or in the right to ask questions. In this case, service on the accused shall be deemed to have been effected as soon as only one of the defense counsel has been served.

3) If there are several co-defendants in the same criminal act who choose their own defense counsel, it is also up to them whether several of them wish to be represented by a joint defense counsel.

§ 26

1) The accused shall be informed of his right to use a defense counsel in the notification pursuant to section 23 para. 4, but no later than at the first hearing.

2) If the accused is unable to bear the entire costs of the defense without prejudice to the maintenance necessary for him and his family, for whose support he has to provide, in order to lead a simple life, the court shall decide, at the request of the accused, that he be assigned a defense counsel, that the defendant is assigned a defense counsel whose costs are not or only partly to be borne by the defendant if and to the extent that this is necessary in the interest of the administration of justice, in particular in the interest of an adequate defense (defense counsel). The provision of a defense counsel is necessary in this sense in any case:

1. for the execution of filed appeals and for the court day for the public hearing of the appeal,

2. to enter a plea to the indictment,

3. If the defendant (accused) is blind, deaf, mute, otherwise disabled, or lacks sufficient knowledge of the language of the court and is therefore unable to communicate in

is able to defend itself,

4. in the event of a difficult factual or legal situation.

If a defense counsel is appointed for the final hearing or appeal, his appointment shall also apply to the appeal proceedings, unless the court orders otherwise in detail.

3) For the duration of the pre-trial detention and for the final hearing before the criminal court, the accused shall require a defense counsel. If neither the accused nor his legal representative chooses a defense counsel for these cases and if he is not assigned a defense counsel pursuant to subsection 2, a defense counsel shall be assigned ex officio, in the case of detention at the latest before the first detention hearing, whose costs shall be borne by the accused (public defender), unless the prerequisites for the assignment of a defense counsel pursuant to subsection 2 are met. The last sentence of para. 2 shall apply mutatis mutandis.

4) Paras. 1 to 3 and sections 26a to 26g of this Act and 63 para. 2 of the Code of Civil Procedure shall apply mutatis mutandis to legal entities.

§ 26a

1) Upon the assignment of the counsel for the defense, the court shall fix the installments to be paid during the proceedings for the costs of the counsel for the defense, provided that the necessary maintenance (Section 26(2)) is not affected.

2) The court shall ex officio withdraw the procedural assistance in its entirety if the defendant (accused) is more than three months in arrears with the payment of an installment.

3) The court shall adjust the instalments to be paid if the assets, income or family circumstances of the accused relevant to the assistance in proceedings have changed significantly. Instalments may be waived if they are no longer required to cover the costs of the defence counsel pursuant to section 26f or for other reasons.

§ 26b

If the assets or income situation of the accused (defendant) improves significantly, also due to a change in family circumstances, the accused (defendant) shall inform the court immediately by means of a statement of assets and liabilities within the meaning of Section 66 (1) of the Code of Civil Procedure.

§ 26c

1) The court shall at any time, ex officio or upon request also of the appointed

The court shall have the right to declare the assignment of the counsel for the defence null and void, in whole or in part, if the requirements under Section 26(2) have ceased to exist. In this case, however, the procedural position of the accused (defendant) must not be jeopardized.

2) The court shall at any time, ex officio or upon request of the appointed defense counsel, withdraw the assistance of the counsel for the defence in whole or in part if it turns out that the prerequisites assumed at the time were not met. In this case, the defendant shall reimburse the costs of the counsel for the defence which he did not have to bear and, upon request, pay the remaining remuneration of the counsel appointed to assist him in the proceedings in accordance with the tariff.

§ 26d

The suspect shall, if no preliminary judicial inquiries have been conducted and no criminal proceedings have been instituted, notify the court of the outcome of the proceedings and of the costs awarded under section 306(1) within four weeks of the conclusion of the proceedings.

§ 26e

After termination of the proceedings, the accused (defendant) shall be notified of the extent to which the costs of the counsel for the defence which he did not have to bear are unpaid. Upon delivery of this notification, the defendant shall be obliged to submit a statement of assets and liabilities within the meaning of Section 66 (1) of the Code of Civil Procedure to the court every year for ten years without being requested to do so, failing which it shall be irrefutably presumed that the defendant is capable of making the additional payment (Section 26f) without prejudice to the necessary maintenance. The defendant shall be informed of this consequence of default.

§ 26f

1) The accused (defendant) shall be obliged by order to pay in full or in part the costs of the counsel for the defence which he did not have to bear, and also, upon request, to pay the remaining remuneration of the lawyer who assisted him in the proceedings in accordance with the tariff, insofar and as soon as he is able to do so without prejudice to the necessary maintenance. After the expiration of ten years after the termination of the proceedings, the obligation to make additional payments can no longer be imposed.

2) In the decision on the supplementary payment, the defendant (accused) shall first be ordered to reimburse the costs of the counsel for the defence, which he has

and then the payment of the remaining remuneration of the attorney who assisted him in the proceedings and the simultaneous determination of the amount thereof. This order shall not be enforceable until it has become final and absolute.

3) The President of the Regional Court may declare the amounts to be paid in arrears under subsection 1 to be irrecoverable if the expenditure required for the payment of the arrears is not in economic proportion to the amounts or if other disproportionate obstacles stand in the way.

§ 26g

The court shall impose a penalty of willful misconduct of up to 25,000 francs on any person who, by providing incorrect or incomplete information, obtains the assistance of a counsel for the defence or exemption from the obligation to pay in instalments or in arrears. The person against whom such a penalty for wantonness has been imposed with legal effect shall also owe the court fees in double the amount, subject to the defendant's obligation to pay in arrears.

§ 27

1) The court shall appoint a lawyer as defense counsel. If it is not mandatory to appoint a lawyer as defense counsel, it may appoint a trainee as defense counsel. If the court has decided to appoint a lawyer, it shall notify the board of the Liechtenstein Bar Association so that it appoints a lawyer as defense counsel.

2) Several simultaneously accused persons (defendants) may be assigned a joint defense counsel, unless an interest-

conflict exists or one of the defendants (accused) or the defense counsel requests separate representation.

§ 28

1) If the accused applies for the appointment of a defense counsel within the time limit open for the execution of an appeal or for any other procedural act, or if a defense counsel is appointed before the expiry of this time limit (Section 26 paras. 2 and 3), this time limit shall begin to run anew upon the service on the accused of the decision on the appointment of the defense counsel and of the document in the file which otherwise starts the running of the time limit, or upon the service on the accused of the decision rejecting the application with final effect.

2) If a time limit has been triggered by service on the defense counsel, the following shall apply

The term of the term shall not be interrupted or suspended by the fact that the power of attorney of the defense counsel has been rescinded or terminated. In this case, the defense counsel shall continue to protect the interests of the defendant and, if necessary, perform the necessary procedural acts within the time limit, unless the defendant has expressly prohibited him/her from doing so.

§ 29

1) Once appointed, a defense counsel does not need a special power of attorney to perform individual procedural acts, not even to file a motion for reopening of criminal proceedings.

2) The defendant may at any time transfer the defense from the defense counsel chosen by him/herself to another one. The mandate of the defense counsel appointed ex officio shall also expire as soon as the defendant appoints another defense counsel. However, in such cases the proceedings may not be held up by the change in the person of the defense counsel.

§ 30

1) Even during the investigation, the accused may use the services of a defense counsel to exercise his rights in the judicial acts that directly concern the establishment of the facts of the case and do not permit subsequent repetition, as well as to execute certain legal remedies filed by him.

2) The investigating judge shall, upon request, permit the accused to inspect the criminal files, with the exception of the minutes of the deliberations, in the offices of the court or, in the case of detention, also in the offices of the regional prison, and to make copies thereof; the investigating judge may also provide the accused with photocopies instead; however, this right shall not apply to audio and visual recordings and shall not be available to the accused insofar as it is exercised by a defense counsel (section 24(1a)). The right to inspect files shall also entitle the person concerned to inspect evidence insofar as this is possible without prejudice to the investigation. If the danger referred to in Section 119a exists, it shall be permissible to exclude personal data or circumstances that allow conclusions to be drawn about the highly personal circumstances of the person at risk from the inspection of files and to issue copies in which these circumstances have been made unrecognizable. Until notification of the indictment, the investigating judge may exempt individual items of the file from inspection and copying if there is reason to fear that immediate inspection of these items of the file could make the investigation more difficult. Upon request, the accused shall be provided with free

copies (photocopies or other reproductions of the contents of the file) of the inspection reports, the findings and opinions of experts, authorities, offices and institutions as well as the original documents that are the subject of the criminal act. If the accused is in custody, such documents as may be of importance for the assessment of the suspicion or the grounds for custody shall also be handed over to him upon request. The defense counsel shall also be provided with a copy of the arrest order and all court decisions against which the accused has a right of appeal.

2a) Simple information may also be provided orally. For this purpose, the above provisions on the inspection of files shall apply mutatis mutandis.

3) The arrested defendant may confer with his defense counsel without being monitored. However, if the defendant is in custody because of a risk of collusion (section 131(2)(2)) or a risk of execution (section 131(2)(3)(d)) and if there is reason to fear that contact with the defence counsel could jeopardise the purposes of the custody, impair significant evidence or endanger life and limb or other vital interests, the police may order the defendant to be released from custody.

The investigating judge may, by reasoned decision, order that the meeting with the defense counsel be held in the presence of the investigating judge or a person appointed by him and be supervised by him. Such supervision shall be permitted only for a maximum period of one month from the imposition of detention pending trial, but no longer than until the indictment is filed.

4) The investigating judge may monitor the correspondence and telephone conversations of the arrested defendant with his defense counsel only under the terms and conditions mentioned in paragraph 3.

§ 30a

The accused and his defense counsel shall be entitled to use information obtained in the proceedings in a non-public hearing or in the course of a non-public taking of evidence or through inspection of files in the interest of the defense and other overriding interests. However, they shall be prohibited from publishing such information, insofar as it contains personal data of other parties to the proceedings or third parties and has not occurred in a public hearing or otherwise become public knowledge, in a media work or in any other way that the communication becomes accessible to a broad public, if this would violate confidentiality interests worthy of protection.

of other parties to the proceedings or third parties, which outweigh the public information interest, would be violated.

§ 30b

If the accused is remanded in custody, the public prosecutor and the defense counsel shall be provided ex officio with copies (photocopies) of all documents in the file that may be of importance for the assessment of the suspicion or the grounds for detention until the first detention hearing, if the final hearing takes place earlier. The public prosecutor and the defense counsel may request that such copies also be provided to them subsequently. A restriction of the inspection of files with regard to such documents that may be of importance for the assessment of the suspicion or the grounds for detention shall be inadmissible from the time of the imposition of pre-trial detention. In all other respects, sections 30(2) and 30a shall remain unaffected.

II. Liability parties

§ 30c

Liability parties are persons who are liable for fines or penalties, or who, without being accused themselves, are threatened with forfeiture, extended forfeiture or confiscation of a thing, or who assert a property claim to a thing threatened with confiscation. They shall have the rights of the accused in the final hearing and in the appeal proceedings, insofar as the decision on these property-law orders is concerned.

V. Main section

From the private prosecutor, the victim, and the private party[95]

§ 31

1) A person entitled to bring a private prosecution must file a motion for a trial against the perpetrator within six weeks of the day on which the perpetrator and the person sufficiently suspected of the offense became known to the person entitled to bring a private prosecution. This motion may also be directed to the initiation of the investigation or to the punishment of the offender and must be filed orally or in writing with the criminal court. The injured party or other party shall no longer be entitled to intervene as a private prosecutor if he or she has expressly forgiven the criminal act. Sections 66 and 67 shall remain unaffected.

2) During the investigation, the private prosecutor shall be entitled to disclose to the court any

The public prosecutor shall be entitled to take all the steps which the public prosecutor is otherwise entitled to take in order to press his charges. However, if he has withdrawn his complaint, he cannot be granted the resumption of the criminal proceedings.

3) If the private prosecutor has failed to file the indictment or other motions necessary to maintain the prosecution within the statutory period, has failed to appear at the final hearing, or has failed to file the closing motions at the final hearing, he shall be deemed to have withdrawn from the prosecution. This consequence shall be pointed out to the private prosecutor in each case.

§ 31a

1) Victims (Art. 1 OHG) have the right regardless of their status as private parties,

1. to be represented (§ 34),

2. to inspect the files (Section 32 (2) (2)),

3. to be informed of the subject matter of the proceedings and of their essential rights before they are questioned,

4. to be informed of the progress of the proceedings (Sections 22i, 65 (1), 141 (7)),

5. receive translation assistance, to which § 23a applies mutatis mutandis,

6. in an adversarial examination of witnesses (Section 115a) and accused persons (Section 147(3)) and in a crime reconstruction (Section 69(3)).

2) participate,

7. to be present during the final hearing and to question defendants, witnesses and experts and to be heard on their claims.

2) In accordance with Articles 12 to 14 of the Victim Assistance Act, victims are entitled to be advised and assisted by the Victim Assistance Unit, to be accompanied to hearings in the preliminary proceedings and the final hearing, and to be represented in the exercise of their rights under this Act.

§ 31b

1) All authorities involved in criminal proceedings are obliged to inform victims and private parties of their rights in criminal proceedings. This may only be omitted as long as this would jeopardize the purpose of the investigation.

2) Victims shall be informed of the requirements for assistance from the Victim Assistance Unit no later than before their first interview.

3) Victims who may have had their sexual integrity violated shall also be informed of the following rights to which they are entitled, at the latest prior to their initial interview:

1. to refuse to answer questions about circumstances relating to their most personal life or about details of the criminal act which they consider unreasonable to describe (Section 108 (2) (2)),

2. to demand to be heard in a gentle manner in the investigation proceedings and in the final hearing (Sections 115a, 197 (3)),

3. to demand that the public be excluded from the final hearing (section 181a(2)).

§ 31c

1) All authorities involved in criminal proceedings must take into account the legitimate interests of the injured party in the protection of his or her highly personal sphere of life when carrying out official acts and when providing information to third parties. This applies in particular to the disclosure of photographs and the communication of personal details that may lead to the identity becoming known to a larger circle of persons without this being required by the purposes of the criminal proceedings.

2) The prohibition of publication under section 30a shall apply mutatis mutandis to private prosecutors, private parties and injured persons.

§ 32

1) Any person whose rights have been violated by a felony or a misdemeanor that is to be prosecuted ex officio may declare until the beginning of the final hearing that he or she will join the criminal proceedings as a private party on account of his or her claims under private law. The declaration may be withdrawn at any time. Insofar as this is not obvious, the entitlement to participate in the proceedings and the claims for damages or compensation shall be substantiated. The declaration shall be rejected by the court if it is obviously unjustified or has been made late.

2) The private party is entitled to the following rights:

1. He may give the public prosecutor's office and the examining magistrate everything that is useful for the conviction of the accused or for the substantiation of the claim for compensation and request the taking of evidence (sec.

23b).

2. Insofar as his interests are affected, he may inspect the files already during the investigation, unless there are special reasons to the contrary. Inspection of the files may in any case be refused or restricted if it would jeopardize the purpose of the investigation or an uninfluenced testimony as a witness.

3. The private party shall be summoned to the final hearing, with the proviso that in the event of his non-appearance the hearing shall proceed nevertheless, and that his motions shall be read from the files. It may be addressed to the defendant, witnesses and experts.

The prosecutor shall be given the floor during the hearing to ask questions or to make other remarks. At the end of the hearing, immediately after the public prosecutor has made and substantiated his final motion, he shall be given the floor to elaborate and substantiate his claims and to make those motions on which he wishes to have a decision in the main findings.

3) Private parties shall be provided with a procedural aide if and to the extent that this is necessary in the interests of the administration of justice, in particular in the interests of the appropriate enforcement of their claims in order to avoid subsequent civil proceedings. The provisions on legal aid under this Act shall apply mutatis mutandis.

3a) If the public prosecutor withdraws from the prosecution pursuant to IIIa. If the public prosecutor withdraws from the prosecution pursuant to Section IIIa, the private party shall not be entitled to file or take over the public prosecution.

4) In addition, the private party is entitled to bring the public prosecution as a subsidiary prosecutor instead of the public prosecutor's office in accordance with § 173, but the public prosecutor's office is free to resume the prosecution at any time in this case as well; the subsidiary prosecutor is then again entitled to the rights of the private party.

§ 32a

1) The private party may assert a claim against the accused that is derived from the criminal act and that is directed towards performance, determination or legal arrangement. However, the validity of a marriage or registered partnership can only ever be assessed in criminal proceedings as a preliminary question (§ 5) (§ 262).

2) The court shall record a settlement of private-law claims at any time during the final hearing. It may also invite the private party and the defendant to a settlement hearing upon request or ex officio.

and submit a proposal for a settlement. If a settlement is reached, settlement copies shall be issued to the private party, the public prosecutor's office and the defendant.

3) In the event of a seizure or freezing, the court shall arrange for the return of the object to the person entitled thereto if a seizure is not necessary for evidentiary reasons and the rights of third parties are not infringed thereby.

§ 33

If the requirements of Section 42 of the Criminal Code have been met by a court decision, the private party shall not be entitled to a subsidiary right of prosecution.

§ 34110

1) The private prosecutor, the private party, the victim and the liable party, as well as their legal representatives, may conduct their case themselves or through an authorized representative. Such representatives shall, unless otherwise provided in this Act, exercise the procedural rights to which the represented persons are entitled. A person entitled to practice as a lawyer, a recognized victim protection institution or any other suitable person may be authorized as a representative.

2) The court may, if it deems it appropriate, order the absent private plaintiff, private party or liable party to appoint a proxy residing in the court's seat.

VI. Main section

From notice, service and inspection of files as well as from the use of information technology111

§ 35112

1) The announcement of the court's and prosecutor's decisions shall be made by oral pronouncement or by delivery of a copy.

2) Oral pronouncements shall be recorded. Any person to whom an oral pronouncement has been made shall be provided with the content of the pronouncement in writing or electronically upon request.

3) The public prosecutor's office and the court may be provided with the files for inspection of the execution. In this case, the public prosecutor's office or the court shall record the date of receipt of the files and the date of inspection in the files in an enforceable manner.

§ 36113

1) Unless otherwise provided in this Act, the Service of Documents Act (ZustG) and sections 87 and 91 of the Code of Civil Procedure shall apply mutatis mutandis to service of documents.

2) Art. 8, 9 par. 2, Art. 10 par. 1 and Art. 12 ZustG shall apply only to subsidiary prosecutors, private prosecutors, private parties, other persons concerned (Art. 354) and to authorized representatives of such persons, except in the cases of Art. 143 par. 1 and Art. 295 par. 2.

3) Service shall be effected by direct handover or by organs of a service. The state police shall only be requested to effect service if this is absolutely necessary in the interests of the administration of criminal justice.

§ 37114

1) Unless otherwise specified in detail, service may be effected without proof of delivery.

2) A transmission to an electronic delivery address (Art. 2 para. 1 let. e ZustG) is to be considered equivalent to a delivery with proof of delivery.

3) Summonses and summonses whose compliance can be enforced by means of coercion or by other means, executions whose service triggers the time limit for filing an appeal or a legal remedy with the court, as well as summonses of private parties, private prosecutors and subsidiary prosecutors to the final hearing shall be served on their own hands (Art. 23 ZustG). Instead of being served in person, professional representatives of the parties may always be served with proof of service.

4) If the accused or another party to the proceedings is represented by a defense counsel or another person, this defense counsel or representative shall be served. However, the summons to the final hearing in the first instance, the judgment in absentia and notifications and communications pursuant to sections 22c(4), 22d(1) and (4) and 22f(1) and (3) shall always be served on the accused or defendant himself and in his own hand.

§ 38115

Retrieved

§ 39116

1) In the case of justified legal interest, the court may also inspect the criminal court records in addition to the cases specified in this Act.

The Federal Ministry of Justice shall grant the right of access and consent to the disclosure of copies (photocopies), provided that this does not conflict with overriding public or private interests.

2) For the purpose of non-personal evaluation for scientific work or comparable investigations in the public interest, the court may authorize the inspection of files of proceedings, the production of copies (photocopies) and the transmission of data from such files.

3) The prohibition of publication under § 30a shall apply mutatis mutandis.

§ 39a

1) The court, the public prosecutor's office and the state police may, within the scope of their duties, process the personal data required for this purpose, including special categories of personal data and personal data relating to criminal convictions and criminal offences. Unless otherwise provided for the processing of such data, the provisions of the Data Protection Act shall apply.

2) The court, the public prosecutor's office and the national police must observe the principles of legality and proportionality when processing data in accordance with paragraph 1. In any case, they must protect the interests of the data subjects in confidentiality and give priority to confidential treatment of the data. When processing special categories of personal data, such as personal data relating to criminal convictions and criminal offences, they shall take appropriate precautions to safeguard the confidentiality interests of the data subjects.

§ 39b

1) Data pursuant to Section 39a (1) shall be obtained from the data subject or be recognizable to the data subject if this does not jeopardize the procedure or make it unreasonably burdensome.

2) If the determination of the data in accordance with Section 39a (1) was not recognizable to the data subject and if it took place outside the scope of Chapter III of the Data Protection Act, the data subject must be informed immediately. The information may be omitted or postponed in order to protect overriding public or private interests.

§ 39c

Repealed

§ 39d

1) Incorrect or incomplete data or data obtained in contravention of the provisions of this Act pursuant to Section 39a (1) shall be corrected, completed or deleted without delay ex officio or at the request of the person concerned. The court, the public prosecutor's office and the state police shall immediately notify the authorities to which they have communicated incorrect data pursuant to Section 39a (1) of the correction.

2) Subject to the permissibility of further processing in accordance with other statutory provisions, access to the first and last name of a person must be prohibited, namely

1. in the case of a conviction, not later than ten years from the date on which the sentence was executed, but if the sentence was not pronounced or was conditionally suspended, from the date of conviction,

2. in the event of acquittal, discontinuance of proceedings or (final) withdrawal from prosecution, at the latest after the expiry of ten years from the date of the decision.

3) After sixty years from the dates specified in para. 2, all data pursuant to § 39a para. 1 shall be deleted by direct access.

4) Personal data, including special categories of personal data, obtained exclusively on the basis of an identification (Section 91a), a physical examination (Section 95a) or a molecular genetic examination (Section 95b) may be processed only for as long as it is feared that this person will commit a criminal act with not merely minor consequences due to the nature of the execution of the act, the personality of the person concerned or due to other circumstances. If the accused is legally acquitted or the investigative proceedings are discontinued without reservation of subsequent prosecution, this data must be deleted. Other statutory provisions, in particular those of the Police Act, and special provisions of international treaties remain unaffected.

5) To the extent that personal data obtained through the interception of electronic communications may be used as evidence in criminal proceedings, their use is also permitted in related civil or administrative proceedings, and

to prevent criminal acts punishable by a term of imprisonment of more than one year and to prevent serious danger to the life, limb or freedom of a person or to substantial property or assets.

§ 40

1) From the initiation and from the termination of criminal proceedings against persons,

who are in public service, members of a municipality or other body appointed to deal with public affairs, or who have been awarded public titles or orders or decorations, shall be notified to the Government.

2) The same shall apply to members of the clergy, with the proviso that the notification shall be addressed to the bishop or the spiritual leader to whose parish the accused belongs.

VII. Main section

From the investigation in general and the combination of several as well as the separation of individual criminal cases

§ 41

1) The purpose of the investigative procedure is to establish the facts of the case, to investigate the perpetrator, accomplices and participants, to gather the grounds for suspicion and evidence of guilt on the one hand and the means of justification of the accused on the other.

2) The investigation of the facts shall consist in ascertaining whether a criminal act which has come to the knowledge of the court really took place and what its nature was according to all circumstances and effects. In particular, it shall be ascertained whether the act was committed intentionally or through negligence; what aggravating or mitigating circumstances accompanied it; which persons can have knowledge of it; and how great the damage caused by the criminal act is.

3) The investigating judge may initiate the investigation only in respect of such criminal acts and only against persons in respect of whom he has received a request to that effect from a justified prosecutor.

4) If the public prosecutor requests the initiation of the investigation, he or she shall submit the complaint and the evidence and documents that have come to his or her knowledge.

to inform the investigating judge of the results of any preliminary investigations that may have been initiated.

5) The investigating judge shall decide on the application to open an investigation.

§ 42

The investigating judge shall investigate the criminal acts with the assistance of a sworn court reporter.

§ 43

1) The prosecutor and the accused shall be entitled to submit requests to the investigating judge regarding the performance of individual investigative acts, on which the latter shall decide. In all other respects, however, the investigating judge shall, without waiting for further requests from the prosecutor, act ex officio with the aim of establishing the facts of the case, determining the perpetrator and establishing the evidence serving to convict or defend the accused to the extent required for the purpose of the investigation.

2) Except in the cases regulated by this Act (Sections 69(2), 115a, 147(3)), the prosecutor, the private party, the victim and the defense counsel may not be present during the formal questioning of the accused or witnesses by the examining magistrate. The prosecutor and the defense counsel shall also be entitled to attend the examination, the search of the house and the search of papers and to designate the objects to which these investigative acts are to be extended. The examining magistrate shall therefore as a rule notify the plaintiff and the defense counsel in advance of the performance of these acts; however, if there is imminent danger, he shall perform them without prior notification.

§ 44

If it is necessary to call in court witnesses for an investigative act, they must be persons of full age, of good repute and uninvolved in the matter, and they must swear by a handshake that they will pay full attention to everything that is done and testified before them, that they will keep a faithful record and that they will report on everything that is said to them during the investigative act until the final proceedings.

The court shall observe secrecy with regard to any acts of which it becomes aware. It is only necessary to call court witnesses:

1. when making the eye test;

2. during house and personal searches;

3. during the interrogation of the accused, if he requests it.

§ 45

It is the general duty of citizens to allow themselves to be used as court witnesses during investigations. This duty applies first of all to the inhabitants of the municipality in which the investigative act is carried out.

§ 46

The investigating judge shall appoint the court witnesses in accordance with §§ 44 and 45 of this Act. The following persons shall be exempt from the obligation to appear as court witnesses:

a) the chaplains;

b) public officials and servants;

c) the teachers, paramedics and all those whose professional service cannot be interrupted without violating the public service.

§ 47

1) Minutes shall be taken of all investigative acts; in addition to the official who performs or conducts the act, a sworn recorder must always be present.

2) Submissions by persons outside a formal hearing and other significant events shall be recorded in writing in such a way that their essential content can be traced. Such an official note shall in any case be signed by the recording body and, if necessary, by other persons.

§ 48

1) Minutes of court hearings shall be taken immediately upon their taking place and, if this is not possible, immediately thereafter.

2) Unless otherwise ordered (Section 202(4)), each record shall contain the name of the place, year and day of the recording, the persons present, the content of statements and other material events during the official proceedings, any motions filed and the signatures of the persons heard.

3) The questions are to be written down only insofar as it is necessary for the understanding of an answer. As a rule, the answers are to be recorded in narrative form only according to their essential content. Only if it is important for the assessment of the case, or if it is to be expected that the reading of the minutes will be necessary in the final hearing, or if the interrogated person requests it, the statement of the interrogated person shall be recorded in the minutes, retaining his own expressions, literally recognizable as such.

4) The head of the official proceedings shall dictate the minutes aloud so that those present can hear them. However, the interrogated person is free to dictate his answer to the person taking the minutes. If the interrogated person abuses this right, it may be withdrawn by the judge. The minutes shall be written in full. However, it is permissible to use shorthand for the time being or to dictate the minutes using a technical

aids. Such procedure and any decision pronounced shall in any case be immediately recorded in full. Shorthand and audio recordings shall be transcribed into full text without delay, and the audio recording shall be played back beforehand if requested by one of the parties; Section 202 (4) shall apply to shorthand and audio recordings.

§ 49134

Each record shall be read to the persons heard or otherwise consulted or, upon request, presented for perusal, and the presentation and approval thereof shall be noted in the record. The minutes shall then be signed by the persons heard by affixing their signature or hand mark on each sheet and at the end by the officials present, the clerk of the court and the court witnesses called and any other parties involved. If the person questioned refuses to sign, this shall be noted in the minutes together with the reason for the refusal.

§ 50135

Once written down, nothing significant may be erased, added or changed. Passages that have been crossed out shall remain legible. Significant additions or corrections made by a witness to his or her testimony shall be noted in the margin of the record or in an addendum and shall be referred to the information contained in the record.

§ 49 and to sign it. Insofar as the person heard is entitled to inspect the file, a copy or transcript shall be handed over to him or her immediately upon request, provided that this does not conflict with interests of the proceedings or third parties worthy of protection; Section 30a shall apply.

§ 50a

1) After expressly informing the person being questioned, it is permissible to make an audio or video recording of the questioning, provided that it is recorded in its entirety. In the case of the examination of a witness, this shall be omitted, notwithstanding special statutory provisions (Sections 69, 115a, 195a, 197 (3)), if and as soon as the witness objects to the recording.

2) In the case of a recording pursuant to para. 1, a written summary of the contents of the interrogation may be prepared instead of a record, which shall be signed by the investigating judge and added to the file. The provisions of Section 48 shall apply to this summary.

§ 51

1) If the record consists of several sheets, they must be stapled together and affixed with the court seal.

2) The investigating judge shall keep a register in which all files of the investigation shall be accurately recorded on a daily basis.

§ 52137

The head of the respective official act shall ensure that order is maintained and that decency is observed. To this end, he shall be entitled to expel or remove from the official act for a certain period of time or for the entire duration thereof persons who, despite prior warning and threat of expulsion, resist his orders, behave aggressively or otherwise in a grossly improper manner towards persons present or otherwise obstruct the official act. In all other respects, §§ 183 para. 2,

184 (2) and 185 shall apply mutatis mutandis in the investigation proceedings. However, only the investigating judge may impose the administrative penalties mentioned therein. A fine may be imposed on counsel for the parties only if they are not subject to the disciplinary authority of a professional body. Each of these orders shall be made visible in the files.

§ 53

1) If an authority becomes aware of a suspicion of a criminal act to be prosecuted ex officio that affects its legal sphere of activity, it is obliged to report the matter to the public prosecutor's office or the provincial police.

2) There is no obligation to notify according to para. 1,

1. if the report would interfere with an official activity, the effectiveness of which requires a personal relationship of trust, or

2. if and as long as there are sufficient grounds for assuming that the punishability of the act will be eliminated within a short period of time by means of measures to remedy the damage.

3) In any case, the authority shall do everything necessary to protect the injured person or other persons from danger; if necessary, a report shall also be filed in the cases referred to in paragraph 2.

4) The reporting obligations of the state police and the courts as well as reporting obligations stipulated in other laws shall remain unaffected.

§ 54

1) The obligation to report, which is described in more detail in Section 53, also applies in particular to the courts.

2) The courts are obliged to provide the public prosecutor, as well as the criminal court (§ 12).

to provide all necessary clarifications and to send the original or certified copies of the files they require.

§ 55142

1) Whoever becomes aware of a criminal act is entitled to report it. Not only the public prosecutor's office, but also the examining magistrate and the national police are obliged to accept the report. They must forward the report to the public prosecutor's office.

2) If there are reasonable grounds for believing that a person is committing or has immediately committed an act punishable by law, or that he or she is wanted for such an act, any person shall be entitled to stop that person in a reasonable manner. However, he shall be obliged to report the stop immediately to the nearest available organ of the national police.

§ 56

1) The public prosecutor shall be obliged to examine all reports of criminal acts which have come to him and which are to be prosecuted ex officio, as well as to pursue the traces of such criminal acts which come to his knowledge. He shall also assist in the discovery of unknown perpetrators by investigating the grounds for suspicion leading to such discovery.

2) If unnamed reports or those originating from a completely unknown person contain certain circumstances that credibly indicate the punishable act, these circumstances shall be investigated; however, this shall be done with avoidance of all sensation and with the greatest possible protection of the honor of the accused persons.

3) If the public prosecutor's office becomes aware of a criminal offence that is not merely to be investigated at the request of a party, by means of a report or other communication from a person, it shall be obliged to arrange for that person to be questioned, to investigate the report or communication to its origins with the cooperation of the national police, and to ascertain as far as possible whether it gives rise to suspicion.

4) Retrieved

§ 57

1) As long as there is no request from the public prosecutor, the investigating judge shall only take investigative actions that cannot be postponed without jeopardizing the purpose of the investigation or without exceeding a statutory time limit. The investigating judge shall inform the public prosecutor of what has been done and then await the public prosecutor's motions.

2) The examining magistrate shall notify the public prosecutor as soon as possible of the minutes taken of the investigative acts referred to in para. 1 for the purpose of filing an application.

§ 58

However, even a report that is unnamed or originates from an unknown person shall be investigated, provided that it contains certain circumstances that credibly characterize the criminal act.

§ 59

1) If a criminal act has left traces, these shall be collected in a suitable manner, in particular by visual inspection in accordance with the provisions contained in the following main section.

2) Therefore, due care must be taken that such traces are left in the state in which they were at the time when the criminal act was discovered, as far as this is feasible without major damage.

§ 60

1) Objects on or with which the criminal act was committed or which the perpetrator may have left behind at the place of the act, in general objects which are to be acknowledged by the accused or by witnesses or which may otherwise serve to establish the evidence, shall, as far as possible, be taken into judicial custody. They shall either be placed in a container to be sealed with an official seal, or a designation shall be affixed to them to protect against misappropriation or confusion.

2) If among the objects found are things consecrated for worship, the court shall see to their separation from all other objects and to their appropriate safekeeping.

§ 61

1) The investigating judge shall question all persons from whom it is probable that information can be obtained about the circumstances of the offence or about the persons involved in it and their relationship to the offence, and in particular also the person injured by the criminal act.

2) Persons who have already been questioned may also be questioned again by the investigating judge, insofar as this appears relevant to supplement or clarify their earlier statements.

§ 62

If the damage caused by a criminal act or the loss of profit cannot be reliably ascertained from the testimony of the injured party or if there is reason to assume that the injured party overestimates his damage, the extent of the damage shall be ascertained by examination of witnesses or by experts in those cases in which it has an influence on the attribution of the act as a crime, on the sentence or on the award of compensation.

§ 63

The examining magistrate shall have documents that are not written in German and are relevant to the investigation translated by a sworn interpreter and shall place them in the files together with the translation.

§ 64146

1) The investigation shall be closed by order of the investigating judge as soon as the prosecutor refrains from criminal prosecution.

2) Except in this case, the investigation may be discontinued only by a decision of the investigating judge (Section 66) or the higher court.

§ 65

1) If the investigation is discontinued, the prosecutor, the victim, the private party and the accused shall be notified thereof; the latter shall be released immediately if he was liable.

2) At his request, an official certificate shall be issued to him stating that there are no grounds for further legal action against him.

3) Retrieved

§ 66149

The investigation shall be terminated by a decision of the investigating judge if the results of the investigation show that no criminal act has been committed or if all grounds for suspicion against the defendant have been eliminated or if further investigations can be expected to provide a better explanation, neither with regard to the facts of the case nor with regard to the perpetrator.

§ 67

1) The court's jurisdiction over the direct perpetrator also establishes jurisdiction over the other participants (Section 12 of the Criminal Code).

2) If the same defendant is charged with several criminal acts, or

If several persons have participated in the same criminal act, or if one of the latter has also committed criminal acts in conjunction with other persons, the criminal proceedings shall, as a rule, be conducted against all these persons and for all these criminal acts at the same time, and a judgment shall be rendered on all the concurrent criminal cases.

3) However, the court may, upon application or ex officio, order that criminal proceedings be conducted and concluded separately with respect to individual criminal acts or individual defendants, if this appears to be useful for avoiding delays or complications of the proceedings or for shortening the detention of a defendant.

4) In any such case, the prosecutor shall be requested to make an immediate statement as to whether he reserves the right to prosecute the charges dropped against the same defendant. If this is done, the proceedings with respect to the latter shall be continued and brought to a conclusion without unnecessary delay; in the opposite case, the investigation with respect to these charges shall be discontinued.

§ 68

If the criminal acts within the meaning of section 67(2) include acts in respect of which there is a special right of appeal to a foreign appellate court on the basis of international agreements, the criminal proceedings in respect of these criminal acts shall be conducted separately.

VIII. Main section

From the visual inspection and the experts

I. From the visual inspection and the consultation of experts in general

§ 69

1) An inspection shall be made as often as appears necessary to clarify a circumstance relevant to the investigation. Two court witnesses shall always be present, and if this appears expedient due to the recognition of the objects to be examined or in order to obtain clarification, the accused shall also be present. The defendant's counsel may not be refused participation in the inspection; a counsel who has already been appointed shall also be informed of the inspection if there are no particular objections to it.

2) If, in the course of the eye examination, a person in the course of re-enacting the probable course of the crime at the scene of the crime or at another place connected with the crime

If the public prosecutor's office, the accused, the victim, the private party and their representatives are questioned at a location connected with the crime and a photographic record is made of these events (reconstruction of the crime), the public prosecutor's office, the accused, the victim, the private party and their representatives shall be given the opportunity to participate. They have the right to ask questions and to demand additional examinations and findings.

3) The accused may be temporarily excluded from participation under paragraph 2 if his presence could jeopardize the purpose of the proceedings or if special interests so require (Section 197(1)). The victim and the private party shall be temporarily excluded from participation if it is to be feared that their presence might influence the accused or witness in making a free and complete statement. In such cases, a copy of the minutes shall be sent immediately to the parties concerned. However, the participation of the defense counsel may not be restricted. Section 50a shall apply in all other respects.

§ 70

The record of the inspection shall be drawn up in such a definite and comprehensible manner as to ensure that it is complete and accurate.

The inspection report shall allow a visual inspection of the objects inspected. For this purpose, drawings, plans or sketches shall be enclosed if necessary; dimensions, weights, sizes and local conditions shall be indicated in accordance with known and unambiguous provisions.

§ 71

1) If necessary, an expert must be consulted for the visual inspection.

2) Two experts are to be involved only if it is necessary due to the difficulty of the observation or appraisal.

§ 72

1) The examining magistrate shall be entitled to choose the experts. If such experts are permanently employed by the court for a specific subject, he shall call in others only if there is imminent danger or if they are prevented by special circumstances or appear questionable in the individual case.

2) If an expert fails to comply with the summons issued to him or refuses to cooperate in the inspection, the investigating judge may impose a fine of up to 1,000 francs on him.

§ 73152

Persons who may not be examined as witnesses in the case under investigation or who may not be sworn to, or who have one of the relationships to the accused or the injured person specified in Section 107 (1) (1), shall not be called as experts if the act is otherwise null and void. As a rule, both the prosecutor and the accused shall be informed of the choice of expert before the inspection; if substantial objections are raised and there is no imminent danger, other experts shall be consulted.

§ 74

1) The examining magistrate shall remind those experts who have already been sworn in generally of the oath they have taken before the start of the official proceedings.

2) Other experts must be sworn before the inspection that they will carefully examine the object of the inspection, that they will state the observations made faithfully and completely and that they will give the findings and their opinion to the best of their knowledge and belief and according to the rules of their science or art.

§ 75

1) The objects of the inspection shall be inspected and examined by the experts in the presence of the persons of the court, unless the latter deem it appropriate for reasons of moral decency to remove themselves or if the necessary observations, as in the examination of poisons, can only be made by continued observation or prolonged experiments.

2) However, in case of any such distance of the court persons from the place of the eye examination, it shall be ensured in a suitable manner that the credibility of the examinations to be maintained by the experts is guaranteed.

3) If the procedure of the experts is expected to destroy or alter an object to be examined by them, a part of the latter shall be kept in judicial custody insofar as it appears feasible.

§ 76

1) The examining magistrate shall conduct the examination. He shall designate, taking into account as far as possible the requests made by the prosecutor and the accused or his counsel, the objects on which the experts shall base their opinions.

and shall ask the questions which he considers necessary to be answered. The experts may demand that they be provided with such information from the files or by hearing witnesses on points to be specified by them which they consider necessary for the expert opinion to be given.

2) If the experts consider it indispensable to inspect the investigation files in order to give a thorough opinion, they may also be provided with the files themselves, unless there are special objections to this.

§ 77

The information provided by the experts on their observations (findings) shall be recorded immediately by the court reporter. They may either immediately record their opinion and the reasons for it or reserve the right to submit a written opinion within a reasonable period of time.

§ 78

If the findings are unclear, indeterminate, contradictory to themselves or to the facts ascertained, or if the statements of two experts about the facts they perceived differ considerably, and if the doubts cannot be eliminated by a further hearing, the examination shall be repeated, if possible, with the involvement of the same expert or experts. If necessary, other experts may be called in in their place.

§ 79

If such contradictions or deficiencies arise with regard to the expert opinion or if it is shown that it contains conclusions which are not logically drawn from the indicated preceding sentences, and if the doubts cannot be eliminated by further questioning of the experts, the expert opinion of another expert or several other experts shall be obtained.

II. Proceedings in investigations of homicide and of bodily injury, in particular

§ 80

1) If a death is suspected to have been caused by a criminal act, the corpse must be examined and opened before the funeral.

2) If the body has already been buried, it must be dug up again for this purpose.

may be performed if, under the circumstances, a significant result can still be expected from it and there is no urgent danger to the health of the persons who must attend the coroner's inquest.

3) Before the body is opened, it must be described in detail and its identity must be verified by questioning persons who knew the deceased. If necessary, an exact description of the deceased is to be requested from these persons before recognition. If, however, the deceased is completely unknown, an exact description of the corpse shall be published in public gazettes.

4) When examining a corpse, the examining magistrate shall see to it that the position and condition of the corpse, the place where it was found and the clothing in which it was found are carefully noted, and that everything which, according to the circumstances, might be of importance for the examination is carefully observed. In particular, wounds and other external traces of violence suffered shall be precisely recorded according to their number and nature, the means and tools by which they were probably caused shall be indicated, and any tools found that may have been used shall be compared with the injuries present.

§ 81

1) The post-mortem examination and post-mortem examination shall be performed by one or, if necessary, two physicians (Section 71).

2) The physician who treated the deceased in the illness that may have preceded his death shall be requested to be present at the post-mortem examination if this can help to clarify the facts and can be done without delay.

§ 82

1) The expert opinion shall state what was the initial cause of the death in the case in question and what caused it.

2) If violations are perceived, discuss in particular:

1. whether the same were inflicted on the deceased by the act of another and, if this question is answered in the affirmative,

2. Whether this action

a) already because of their general nature,

b) by virtue of the peculiar personal nature or special condition of the injured person,

c) because of the accidental circumstances under which it was committed or

d) by means of accidental, but by her caused or from her originated intermediate causes of death and whether finally

e) death could have been averted by timely and expedient assistance.

3) If the expert opinion does not cover all circumstances relevant for the decision, the investigating judge shall ask special questions to the experts.

§ 83

In the case of suspected infanticide, in addition to the investigations to be carried out in accordance with the above provisions, it shall also be investigated whether the child was born alive.

§ 84

If there is a suspicion of poisoning, a chemist must be consulted in addition to the physician, if necessary. The examination of the poison itself may, however, be carried out by the chemist alone in a suitable location. In all other respects, § 71 shall apply mutatis mutandis.

§ 85153

In the case of physical injuries, too, the victim shall be examined by a physician as an expert who, after a precise description of the injuries, shall in particular also give an opinion as to which of the existing physical injuries or health disorders in and of themselves or in their interaction are to be regarded as slight, serious or life-threatening, either unconditionally or under the particular circumstances of the case, which effects damages of this kind usually entail, and which ones resulted from them in the individual case in question, as well as by which means or tools or in which manner they were inflicted. In all other respects § 71 shall apply mutatis mutandis.

§ 86

If the examination of a woman is necessary, a female doctor may be required.

III. Procedure in case of doubt about mental disorders or about sanity

§ 87

1) If doubts arise as to whether the defendant has the use of reason or whether he suffers from a mental disorder that could impair his sanity, the examination of the defendant's mental and emotional state by two physicians shall be arranged at any time.

2) They shall report on the results of their observations, compile all facts relevant to the assessment of the accused's mental and emotional state, examine them according to their significance both individually and in connection with each other, and, if they consider a mental disorder to be present, determine the nature and degree of the disease and, both from the records and from their own observations, pronounce on the influence which the disease has had on the accused's ideas, urges and actions, If they consider a mental disorder to be present, to determine the nature of the disorder, its nature and degree, and to pronounce on the basis both of the records and of their own observation on the influence which the disorder has had and continues to have on the ideas, urges and actions of the accused, and whether and to what extent this clouded state of mind existed at the time of the offense committed.

IV. Examination of manuscripts

§ 88

If doubts arise as to the authenticity of a document or if it is to be determined from whose hand a particular document originated, a comparison with documents that are undoubtedly authentic may be made by one or two experts.

V. Proceedings in investigations of criminal offenses against the security of the circulation of money, securities and valuables

§ 89

1) In cases of criminal offences against the security of the circulation of money, securities and tokens, the investigating judge shall

The forgery of a piece of art, which is the subject of the investigation, is usually handed over to the authorities in order to obtain a finding as to its authenticity or falsity and further information as to the manner in which the forgery has been carried out, whether any prepared tools have been used to facilitate the reproduction, and finally whether and where such forged pieces have already been found.

2) After the criminal proceedings have been completely terminated, the forgeries together with all tools, materials and other related objects originating from the criminal act shall be sent to the same place. As soon as these objects become necessary for a new official criminal court action, they are to be demanded back.

VI. Procedures for arson investigations

§ 90

In the case of arson, it must be determined in particular how the fire was set, whether an ignition material was used and which one; furthermore, the place, where and the time must be investigated, when the fire was set, whether by day or night or whether it occurred under such circumstances that it really caused a conflagration on other people's property or caused the danger of such a conflagration, or exposed the life of a person to danger and whether the fire could have spread easily when it broke out; finally, in the case of a fire that has really broken out, the extent of the damage caused by it must be ascertained.

VII. Procedure for investigations of other damage

§ 91

In the case of criminal acts by which damage or danger to life or property was caused other than in the manner just mentioned, the nature of the force or cunning used, the means or tools used, and the extent of the damage caused or intended and the loss of profit or danger to the life, health or physical safety of persons and to property of others shall be ascertained by visual inspection.

IX. Main section

From the identification, the house and personal search, the physical and molecular genetic examination, the seizure, the surveillance of electronic communications, the

Observation, Undercover Investigation, and Fictitious Business, as well as the Protection of Official Secrecy and Professional Secrets.154

I. Identification, house and personal search, physical examination and molecular genetic examination

§ 91a

1) An identification, i.e. the determination and ascertainment of data (Art. 3 (1) (a) FADP) that unmistakably identifies a specific person, is permissible if it can be assumed on the basis of certain facts that a person is involved in a criminal act, can provide information about the circumstances of the commission of a criminal act or has left behind traces that could serve to clarify the matter.

2) The National Police is authorized to determine a person's name, sex, date of birth, place of birth, occupation and residential address, to determine a person's height, to photograph him or her, to record his or her voice and to take his or her fingerprints, to the extent necessary to establish his or her identity.

3) Every person is obliged to cooperate in establishing his or her identity in a manner that is reasonable under the circumstances; upon request, the state police shall state the reason for such identification.

4) If the person does not cooperate in establishing his/her identity or his/her identity cannot be established immediately for other reasons, the state police shall be entitled to conduct a search of the person on its own initiative in order to establish his/her identity in accordance with Section 92(2).

§ 92157

1) A house search, i.e. a search of the apartment or other premises belonging to the household, is permissible,

if there are reasonable grounds for suspecting that a person suspected of a crime or misdemeanor is concealed therein or that there are objects or traces therein that may be of significance for the investigation or are to be evaluated.

2) A search of a person, i.e. a search of the clothing of a person and the objects he or she has with him or her, is permissible if he or she has been arrested or entered in the act of committing a crime, is suspected of committing a crime, and it may be assumed on the basis of certain facts that he or she has objects on him or her that are subject to seizure, or has traces on him or her, or may have suffered injuries as a result of a crime or undergone other changes to his or her body, the ascertainment of which is necessary for the purposes of criminal proceedings.

§ 93

1) As a rule, a search shall take place only after prior interrogation of the person at or on whom it is to be carried out and only insofar as the interrogation does not bring about either the voluntary surrender of the person sought or the elimination of the reasons prompting the search.

2) This interrogation may be dispensed with in the case of notorious persons and also if there is imminent danger or if the search is carried out in premises open to the public.

3) As a rule, the search may be carried out only by virtue of a reasoned court order. This order shall be served on the person concerned immediately or within the next twenty-four hours.

4) A search of land and premises, vehicles or containers that are not generally accessible and do not belong to the household (Section 92(1)), as well as a search of a person under Section 92(2), may be carried out by the state police on their own initiative.

5) However, if a search of the unclothed body of a person proves to be necessary, it shall be ordered by the court; however, in case of imminent danger, the district police shall be entitled to conduct such a search without an order. Such a search shall always be carried out by a person of the same sex or by a physician with respect for the dignity of the person to be examined.

6) Under no circumstances may the victim be forced to be searched against his or her will.

§ 94

1) For the purpose of criminal justice, a house search may also be conducted by the National Police on its own authority if a person is ordered to be brought before a judge or arrested, or if a person is entered in the act, designated by public prosecution or public reputation as suspected of a criminal act, or entered in possession of objects indicating participation in such an act.

2) In this case, and if the National Police conducts a search pursuant to Section 93(4) and (5), the person concerned shall, at his request, be notified immediately or within the next twenty-four hours of the certificate on the conduct of the search and the reasons for it.

§ 95

1) House searches are always to be carried out with avoidance of all unnecessary fuss, any unavoidable necessary annoyance or disturbance of the persons concerned, with the greatest possible protection of their reputation and their private secrets not connected with the subject of the investigation, as well as with the most careful choice of propriety and decency.

2) As a rule, the search shall be carried out in the presence of the investigating judge. In minor cases, the investigating judge may have such investigative actions carried out by the state police.

3) The person concerned has the right to submit to the search a person of his or her confidence.

to be consulted; section 115(2) shall apply mutatis mutandis to them. The owner of the premises to be searched must be requested to attend the search. If the owner is prevented from attending or is not present, the request must be made to an adult member of his family or, in his absence, to an uninvolved, trustworthy person. This may only be dispensed with in cases of imminent danger. A search in rooms dedicated exclusively to the exercise of the profession of one of the persons mentioned in Section 108(1)(2) to (4) shall be subject ex officio to the presence of a representative of the respective statutory interest group or of a person who is not a member of the family.

The media owner or a representative named by him must be consulted.

4) In addition, the search must always be accompanied by a court reporter and two court witnesses.

5) The minutes of the search shall be signed by all persons present. A copy (photocopy) of the protocol shall be handed over to the person concerned at his request. If nothing suspicious has been found, the person concerned shall be given a confirmation of this upon request.

§ 95a

1) A physical examination, which is a search of body orifices, the taking of a blood sample, and any other interference with the bodily integrity of persons, is permissible if

1. on the basis of certain facts it can be assumed that a person has left traces, the seizure and investigation of which are essential for the clarification of a criminal offense,

2. on the basis of certain facts, it can be assumed that a person is concealing objects in the body that are subject to seizure, or

3. facts that are of decisive importance for the clarification of a criminal offense or the assessment of the person's criminal responsibility cannot be established in any other way.

2) A physical examination pursuant to subsection 1(1) is also permissible on persons who belong to a group of persons that can be individualized by certain characteristics if it can be assumed on the basis of certain facts that the perpetrator is in this group of persons and the investigation of a crime would otherwise be significantly impeded.

3) A physical examination shall be ordered by the examining magistrate at the request of the public prosecutor. The state police may take a cheek swab on its own initiative, unless the taking of the swab is not necessary for the reasons specified in paragraph 2.

The court shall not be required to carry out the investigation for the reasons mentioned above or if an order of the court would be required under the Treaty between the Principality of Liechtenstein and the Swiss Confederation concerning cooperation in the framework of the Swiss information systems for fingerprints and DNA profiles.

4) Surgical interventions and all interventions that could cause damage to health lasting more than three days are not permitted. Other interventions may be performed if the person to be examined expressly consents after being informed of the possible consequences. Without the consent of the person concerned, a blood sample may be taken or a comparably minor intervention may be performed, where the occurrence of other than merely insignificant consequences is excluded, if

1. the person is suspected of having committed a criminal offense against life or limb by engaging in a dangerous activity while intoxicated or otherwise impaired by an intoxicating agent, or

2. the physical examination of the accused for the purpose of investigating a crime punishable by more than five years' imprisonment or a crime under the

10th section of the Criminal Code is required.

5) Any physical examination shall be carried out by a physician; however, a cheek swab may also be taken by another person who is specially trained for this purpose. In all other respects, the provisions of Sections 93(1), 94(2), 95(1), (3) and (5) on searches shall apply mutatis mutandis.

6) The results of a physical examination may be used as evidence, if otherwise invalid, only if

1. the conditions for a physical examination were present,

2. the physical examination has been lawfully ordered, and

3. the use serves to prove a criminal offense for which the physical examination was or could have been ordered.

7) The results of a physical examination conducted for reasons other than criminal procedure may be used as evidence in criminal proceedings only if this is necessary to prove a criminal offense for which the physical examination could have been ordered.

§ 95b

1) In order to solve a crime, it is permissible to examine biological traces on the one hand and material that belongs or is likely to belong to a specific person on the other hand by molecular genetics in order to trace the

The results of molecular genetic examinations, which have been lawfully obtained on the basis of other legal provisions, may be compared with the results of other tests.

2) A molecular genetic examination, i.e. the determination of those areas in a person's DNA that serve for recognition, must be ordered by the examining magistrate, unless it is merely a biological crime scene trace or a non-invasively taken sample from a person (Section 95a para. 3 last sentence); such samples may be examined by the national police on their own initiative.

3) A domestic or foreign forensic medical institute or laboratory is to be commissioned with the molecular genetic examination. The test material must be handed over to this institute or laboratory in anonymized form. In addition, care must be taken to ensure that data from molecular genetic examinations can only be assigned to a specific person to the extent that this is necessary for the purpose of the examination (paras. 1 and 4).

4) Investigative material belonging or likely to belong to a specific person and the results of the investigation may only be used and processed as long as the assignment to the trace or the determination of identity or parentage is not excluded; thereafter they must be destroyed. Other statutory provisions, in particular those of the Police Act, and special provisions of international treaties shall remain unaffected.

5) Data obtained on the basis of this provision shall be transmitted to the state police upon its request, insofar as the collection and processing of such data would be permissible under other provisions.

II. Seizure

§ 96

1) If objects and information stored on data carriers are found that may be of significance for the investigation or are subject to confiscation, forfeiture, extended forfeiture or confiscation, they shall be entered in a register and placed in judicial custody or under judicial custody or seizure (Section 60).

1a) The seizure of objects for evidentiary purposes shall not be permissible and shall be lifted at the request of the person concerned, insofar and as soon as the evidentiary purpose can be fulfilled by visual, audio or other recordings or by copies of written recordings or computer-assisted data and it is not to be assumed that the objects themselves or the originals of the seized information will have to be examined in the final hearing. If necessary, the seizure shall be restricted to the

Limit recordings and copies.

2) Everyone shall be obliged (Section 9 para. 4) to surrender on demand objects which are to be seized, in particular also documents, or to make the seizure possible in some other way. If the handing over of an object, the possession of which is admitted or otherwise proven, is refused and if the seizure cannot be effected by a house search, the owner, unless he himself appears to be suspected of the punishable act or is released from the obligation to give evidence, may be compelled to do so by the imposition of a penalty of up to 10,000 francs and, in the event of further refusal in important cases, by the imposition of a penalty of up to six weeks' imprisonment (§ 9 paras. 5 and 6).

2a) If information stored on data carriers is to be seized, any person shall be granted access to this information and, upon request, shall hand over an electronic data carrier in a commonly used file format or have it produced. In addition, he must tolerate the production of a backup copy of the information stored on the data carriers.

3) The person obliged to surrender the documents shall, unless he is himself suspected of the offense, be reimbursed at his request for the reasonable costs necessarily incurred by him in separating documents or other objects relevant to the evidence from others or in delivering photocopies (copies, reproductions).

4) The seizure shall be lifted as soon as its conditions have ceased to apply. Cancellation shall be effected by returning the seized items or by destroying recordings and copies.

§ 96a

1) Even if there is no imminent danger (Section 10(1)), the state police are entitled to seize objects on their own initiative,

1. When they

a) are not under anyone's control,

b) deprived of the injured person by the criminal act,

c) were found at the scene of the crime and could have been used or intended to be used in the commission of the crime, or

d) are of low value or are temporarily easily replaceable,

2. if their possession is generally prohibited (§ 356a para. 1), or

3. with which a person who has been arrested on the grounds of section 127(1)(1)

or which has been entered in the course of a search that the state police may conduct on their own initiative (Section 93 (1)).

4) can be found.

2) Section 96 shall apply mutatis mutandis to such security.

§ 96b

1) Persons subject to the Due Diligence Act (persons subject to due diligence) are obliged, insofar as this appears necessary for the clarification of money laundering within the meaning of the Criminal Code, a predicate offense to money laundering or an act in connection with organized criminality, by court order,

1. to disclose the name, other data known to them concerning the identity of the holder of a business relationship and the contracting party as well as their address,

2. to provide information as to whether a suspicious person maintains a business relationship with the person subject to due diligence, is the beneficial owner of such a business relationship or is authorized to act on its behalf, and, if this is the case, to provide all information necessary for the precise identification of this business relationship as well as all documents concerning the identity of the owner of the business relationship and his authorization to dispose of it,

3. to issue all documents and other records relating to the nature and scope of the business relationship and related transactions and other business events of a certain past or future period.

The same shall apply if it is to be assumed on the basis of certain facts that the business relationship was or will be used for the transaction of a pecuniary advantage that is subject to forfeiture (Section 20 StGB) or extended forfeiture (Section 20b StGB).

2) Copies of documents and other records may be issued instead of the originals, provided there is no doubt that they correspond to the originals. If data carriers are used, the person obliged to exercise due diligence must hand over or have produced permanent and legible reproductions without further aids. If automation-supported data processing is used to manage the business relationship, the transmission must be made on an electronic data carrier in a commonly used file format at the request of the court. Transaction data shall be transmitted on an electronic data carrier in a structured form such that the data can be processed electronically. § Section 96 (3) shall apply mutatis mutandis.

3) A decision pursuant to para. 1 shall in any case be served on the person obliged to exercise due diligence. Service on the authorized persons otherwise arising from the business relationship and who have become known may be postponed as long as it would jeopardize the purpose of the investigation. The person obliged to exercise due diligence must be informed of this and must provisionally keep secret from customers and third parties all facts and transactions connected with the court order. Under these conditions, persons working for the person subject to due diligence may not inform the contracting party or third parties about ongoing investigations.

4) If the person subject to due diligence does not wish to surrender certain documents or other records or does not wish to provide certain information, within the meaning of §§ 92

et seq. This shall not affect the prohibition of notification pursuant to Par. 3.

§ 97

If, during a search of a house or person, objects are found which indicate the commission of an offense other than that for which the search is being conducted, they shall be seized if the offense is to be prosecuted ex officio; however, a special record must be made of this and the public prosecutor must be notified immediately. If the latter does not request the initiation of criminal proceedings, the objects seized shall be returned immediately.

§ 97a

1) At the request of the public prosecutor, the court shall, in order to secure forfeiture (section 20 of the Criminal Code) or extended forfeiture (section 20b of the Criminal Code), order subsequent

The Company shall be entitled to issue such orders as it deems necessary if it is to be feared that otherwise the delivery of the goods would be endangered or made considerably more difficult:

1. the seizure, custody and administration of movable tangible property, including the deposit of money,

2. the court prohibition of alienation or pledging of movable tangible property,

3. the court's prohibition of the disposal of credit balances or other assets,

4. the court prohibition of alienation, encumbrance or pledge of real property or rights registered in the land register.

By the prohibition according to item 3, the state acquires a lien on the credit balances and other assets.

2) The order may also be issued if the amount to be secured under subsection (1) has not yet been precisely determined.

3) The order may specify a sum of money, the payment of which shall suspend the execution of the order. After the payment, the order shall be revoked at the request of the person concerned. The amount of money shall be determined in such a way that it covers the probable forfeiture or the probable extended forfeiture.

4) The court shall limit the period for which the order is made to a maximum of two years. This period may be extended on application for a maximum of one additional year.

5) The order shall be revoked as soon as the preconditions for its issuance have ceased to exist, in particular also if it is to be assumed that the forfeiture or the extended forfeiture will not occur or that the time limit set pursuant to para. 4 has expired.

6) The public prosecutor's office, the accused and other persons affected by the order (Section 354) shall have the right to appeal to the Supreme Court against the order or its revocation.

§ 97b

1) If seized or confiscated objects or assets secured in accordance with section 97a are subject to rapid deterioration or substantial diminution in value, or if they can be preserved only at disproportionate expense, the court may, at the request of the public prosecutor, dispose of them in the manner prescribed in section 268. The disposal

However, the objects must not be stored as long as they are required for evidentiary purposes.

2) Persons affected by the sale must be notified prior to the sale, provided that they can be reached.

3) The proceeds shall take the place of the items sold. Realization due to disproportionate storage, maintenance or administrative costs is not permitted if an amount sufficient to cover these costs is deposited in good time.

4) At the request of the public prosecutor's office, the court shall decide on the exploitation, if necessary at the same time as the seizure or the prohibition of disposal pursuant to Section 97a.

III. Sealing

§ 98205

1) When searching papers or data carriers, care must be taken to ensure that their contents do not come to the attention of unauthorized persons.

2) The sealing of papers or data carriers taken into judicial custody shall be carried out, insofar as

1. these cannot be recorded immediately on the occasion of a house search or

2. persons specified in Section 108(1)(2) to (4) shall claim circumvention of their right to refuse to testify (Section 108(3)) on the occasion of the search or at the same time as the search is conducted and shall specifically designate the relevant documents or data carriers.

3) The sealing of documents or data carriers seized during a house search may also be applied for within 14 days of execution by persons not directly affected by the house search who are entitled to refuse to testify in accordance with Section 108(1)(2) to (4). The same shall apply within 14 days from the date of surrender on the basis of a decision under Section 96(2) or Section 96b.

4) Papers or data carriers requested to be sealed shall be segregated during the search or marked separately in the event of surrender. Sealing shall be carried out by the court or the state police commissioned to carry out the search. For this purpose, the papers and data carriers are to be placed in a suitable container that is marked with

The documents must be sealed with an official seal or, if this does not seem feasible, otherwise secured in a suitable manner against unauthorized inspection or alteration. The person concerned who may be present during the search shall also be permitted to affix a seal.

5) The court shall unseal the document without delay, and the person concerned in accordance with para. 2 item 2 or para. 3 shall be invited to attend the unsealing. If the person concerned does not respond to such a request or if it cannot be provided to him, the unsealing shall be carried out in his absence. If the whereabouts of the person concerned are abroad or cannot be ascertained without special procedural effort, the hearing may be dispensed with.

6) A record shall be made of the unsealing, in which the sealed papers or data carriers shall be recorded and the declaration of the person concerned and the application for full or partial revocation of the seizure shall be recorded. If the court grants the application of the person concerned for seizure pursuant to section 108(1)(2) to (4), it shall record the declaration of the person concerned.

If the person entitled to testify refuses to do so in whole or in part, this shall be noted in the minutes and the papers or data carriers shall be handed over immediately to the person concerned to this extent.

7) Insofar as the application pursuant to para. 6 is not granted, the person concerned shall have the right to appeal against this decision to the Supreme Court within 14 days. The seizure order may also be appealed at the same time as this appeal. In this case, the court shall segregate the papers or data carriers concerned until the decision becomes final.

§ 98a

Repealed

IV. Seizure and opening of letters and other shipments

§ 99207

If the accused is already in custody for a criminal offence committed intentionally and punishable by more than one year's imprisonment, or if his production or arrest has been ordered on account of such an offence, the examining magistrate may seize telegrams, letters or other consignments which the accused sends or which are addressed to him and detain them from the carriers.

demand their delivery. The latter shall also be obliged, at the request of the public prosecutor's office, to withhold such consignments until the arrival of a court order; however, if such an order is not issued by the examining magistrate within three days, they shall not be permitted to postpone carriage any further.

§ 100

1) The opening of the impounded consignments can only be done by the examining magistrate.

2) At the opening, about which minutes are to be taken, the seals must not be broken; envelopes and addresses must be kept.

§ 101

The seizure of consignments shall be notified to the accused or, if he is absent, to one of his relatives immediately and at the latest within twenty-four hours. If the mailings have been opened, letters and telegrams shall, if the notification of their contents is not likely to have a detrimental effect on the investigation, be forwarded to the accused or to the person to whom they are addressed.

The court shall notify the defendant in full or in part of the original or a copy of the documents addressed to them. If the accused is absent, the notification shall be made to one of his relatives. If there are no relatives of the accused, the letter shall, if the judge deems it in the interest of the sender, be returned to him or, if the letter or telegram must remain on file, the sender shall be notified of the seizure.

§ 102

Consignments taken into custody, the opening of which has not been deemed necessary, shall be handed over without delay to the persons to whom they are addressed or returned to the carrier.

IVa. Utilization of retained data

§ 102a

1) Providers within the meaning of the Communications Act are, insofar as this is necessary for the investigation of a felony (Section 17 (1) of the Criminal Code), a misdemeanor pursuant to Sections 105 to 107a, 118a, 119, 119a, 123, 124, 126a to 126c, 131a, 168a,

201, 203, 204, 207 to 216, 218 to 219, 225a, 278, 279 to 283, 288, 289,

292, 293, 295, 299 to 301, 304 to 311, 319 and 320 of the Criminal Code, an offense under Arts. 83 to 85 of the Aliens Act, an offense under Arts. In the event of an offense under Articles 62 to 65 of the Act on the Free Movement of Persons, an offense under the Act on Narcotics, or an offense under the Communications Act, the data controller shall be obliged by court order to disclose data to the law enforcement authorities if the subscriber concerned or the user of the connection is himself strongly suspected of having committed the offense or consents in writing after being informed accordingly.

2) A decision pursuant to Par. 1 shall be served on the provider in any case; the notice to the provider shall consist of the decision ruling on the order. Service on the subscriber or user of the connection concerned may be postponed as long as it would jeopardize the purpose of the investigation. The provider shall be informed of this and shall be obliged to keep all facts and processes connected with the court order secret for the time being. This obligation to maintain secrecy also applies to all persons who are involved in the provider's activities.

3) If the provider unlawfully refuses to disclose the data, the provider may, unless he himself appears to be suspected of the criminal act or is released from the obligation to give evidence,

by imposing a penalty of up to 50,000 Swiss francs.

V. Monitoring of an electronic communication

§ 103

1) An order for the interception of electronic communications, including the recording of their content, shall be admissible only if it is to be expected that it may assist in the investigation of a criminal offence committed intentionally and punishable by more than one year's imprisonment and if

1. the owner of the communication equipment is himself strongly suspected of having committed the act, or

2. there are reasons to believe that a person urgently suspected of the crime is staying with the owner of the facility or will contact him using the facility, unless,

that the holder is one of the persons referred to in section 107(1)(2), or

3. the owner of the installation expressly consents to the monitoring.

2) The investigating judge is entitled to order the interception of electronic communications, but he must immediately obtain the approval of the President of the Supreme Court. If the approval is refused, the investigating judge shall immediately revoke the order and have the recordings destroyed.

2a) The order pursuant to paragraph 2 and the scope of the interception of electronic communications as well as the obligation, if any, to keep facts and events related to the order secret from third parties shall be imposed by the investigating judge on the provider within the meaning of the Communications Act in a separate order; such order shall consist of the sentence of the order deciding on the order. § Section 9 (4) and the provisions on house and personal searches shall apply mutatis mutandis.

3) In agreement with the providers within the meaning of the Communications Act, the provincial police shall be requested to carry out the monitoring of electronic communications (Section 10). Notification of parties or other participants in the proceedings shall initially be omitted.

4) The monitoring ordered shall be limited to three months. If the need for monitoring continues to exist after the expiry of this period, the above paragraphs shall be applied again.

§ 104

1) As soon as the preconditions for further monitoring of electronic communications have ceased to exist, the investigating judge shall order the immediate termination of the monitoring.

2) After the interception has ended, the investigating judge shall notify the owner of the intercepted communications equipment and the suspect (accused) of the fact of the interception. At the same time, the owner of the communications equipment shall be given the opportunity to inspect the records, as shall the suspect (accused) who is different from the owner of the communications equipment, but only to the extent that the records could be of significance for the current criminal proceedings or for criminal proceedings against him that are to be instituted. When inspecting the records, the owner of the communications system may

The investigating judge shall request that the records entered by them be kept. If no such request is made, the investigating judge shall keep the records on file only to the extent that they may be of significance for the current criminal proceedings or for criminal proceedings that are to be instituted; he shall have the records not kept on file destroyed.

3) In any case, records of conversations held between a suspect (accused) and his or her defense counsel (Section 108(1)(2)) must be destroyed unless both parties agree that they should be preserved.

4) If the owner of the monitored communication system considers himself aggrieved by the fact that the monitoring has been ordered, approved or maintained or that the preservation of a recording has been ordered, he shall be entitled to lodge an appeal with the higher court within fourteen days of being notified by the investigating judge. If the appeal is found to be justified, it shall be ordered at the same time that all recordings obtained by unlawful surveillance shall be destroyed, unless their preservation has been required under subsections 2 or 3.

VI. Observation, covert investigation and fictitious transaction

§ 104a

1) The state police are entitled to secretly monitor the behavior of a person on their own initiative (observation) if this can help solve a crime or find out the whereabouts of an accused person.

2) In support of an observation are permissible, provided that it would otherwise be hopeless or significantly impeded:

1. the covert use of devices used for image recording and transmission in publicly accessible places, and

2. the covert use of devices which, by means of the transmission of signals, make it possible to determine the spatial area in which the person under surveillance is located, as well as the opening of vehicles and containers for the purpose of inserting such devices.

3) Provided that the observation

1. is supported by the use of devices according to para. 2 or

2. is to be performed over a period of more than 48 hours,

it is only permissible if there is suspicion of a criminal act committed intentionally and punishable by more than one year's imprisonment, and it can be assumed on the basis of certain facts that the person under surveillance has committed the criminal act or will establish contact with the suspect or that the whereabouts of a fugitive or absent suspect can be determined as a result.

4) Observation pursuant to subsection 3 shall be ordered by the investigating judge at the request of the public prosecutor's office for the period of time presumably required to achieve its purpose, but for no longer than three months. The regional police shall be requested to carry out the observation (section 10). In case of imminent danger, however, the state police shall be entitled to commence the observation on their own initiative; however, they shall immediately report to the public prosecutor's office, which shall then apply for an order of the court, unless the observation is to be terminated beforehand. A new order is permissible if the prerequisites continue to exist and it can be assumed on the basis of certain facts that the further observation will be successful. Notification of the parties or other participants in the proceedings shall be omitted for the time being.

5) Observation shall be terminated if its conditions cease to apply, its purpose has been achieved or can probably no longer be achieved, or if the investigating judge orders its termination. After termination of the observation in accordance with paragraph 3, the accused and the persons concerned shall be notified of the fact of the observation, provided that their identity is known or can be established without major procedural effort. This notification may be postponed as long as it would jeopardize the purpose of the investigation in this or in other proceedings.

§ 104b

1) The National Police shall be entitled, on its own initiative, its bodies or other persons,

who neither disclose nor allow their official position or assignment to be recognized (undercover investigation), to be used on their behalf if this can promote the clarification of a criminal offense.

2) A systematic undercover investigation carried out over a longer period of time shall only be permissible if the purpose is to clear up a criminal offence committed intentionally and punishable by more than one year's imprisonment, or to prevent an offence committed within the framework of a criminal or terrorist organization or a criminal organization (Sections 278 to

278b StGB) would otherwise be significantly impeded. Insofar as this is indispensable for the clarification or prevention, it is also permissible to produce documents that deceive as to the identity of an organ of the state police and to use them in legal transactions to fulfill the purpose of the investigation.

3) An undercover investigation pursuant to subsection 2 shall be ordered by the investigating judge at the request of the public prosecutor's office, who shall instruct the provincial police to carry it out (section 10(1)). Under subsection (2), it may be ordered or approved only for the period likely to be necessary to achieve its purpose, but for no longer than three months. A new order is permissible if the requirements continue to exist and it can be assumed on the basis of certain facts that the further performance of undercover investigations will be successful. The undercover investigator shall be managed and regularly supervised by the state police. His deployment and the circumstances surrounding it, as well as information and communications obtained through him, shall be recorded in an official memo (Section 47(2)), insofar as they may be of significance for the investigation. Undercover investigators may enter apartments and other rooms protected by domestic law only with the consent of the owner. The consent may not be obtained by deceiving the owner about the right to enter.

4) An undercover investigation must be terminated when its prerequisites cease to apply, its purpose has been achieved or can probably no longer be achieved, or if the investigating judge orders its termination.

5) Notification of the parties or other participants in the proceedings shall initially be omitted. After the end of the undercover investigation pursuant to para. 2, the accused and the persons concerned shall be informed of the fact of the undercover investigation, provided that their identity is known or can be established without major procedural effort. However, this notification may be deferred as long as it would jeopardize the purpose of the investigation in this or in other proceedings.

§ 104c

1) At the request of the public prosecutor's office, the provincial police shall be entitled, by order of the provincial court, to carry out a sham transaction (subsection 2) if the purpose of the transaction is the investigation of a crime (section 17(1) of the Criminal Code) or the seizure of objects or assets resulting from a crime or from confiscation (section 19a of the Criminal Code).

(§ 20 StGB), extended forfeiture (§ 20b StGB) or confiscation (§ 26 StGB) would otherwise be substantially impeded. Under these conditions, it is also permissible to contribute to the execution of a fictitious transaction by third parties (Section 12, third case, StGB).

2) A sham transaction within the meaning of this Act is the attempt or apparent execution of criminal offenses insofar as they consist in the acquisition, viewing, possession, import, export or transit of objects or assets that have been alienated, derive from or are dedicated to the commission of a crime, or the possession of which is absolutely prohibited.

3) The execution of a sham transaction shall be ordered by the investigating judge at the request of the public prosecutor's office, who shall instruct the state police to carry it out (section 8).

3) After a fictitious transaction has been carried out, the accused and any other persons concerned shall be informed of the fact of the fictitious transaction, provided that their identity is known or can be established without major procedural effort. However, this disclosure may be postponed as long as it would jeopardize the purpose of the investigation in this or in other proceedings.

VII. Protection of official ecclesiastical secrecy and professional secrets

§ 104d

1) The official secrecy of the clergy is protected (§ 106 item 1); it may not be circumvented in the case of other nullity, in particular not by ordering or carrying out the investigative measures contained in this main section.

2) The ordering or implementation of the measures of inquiry contained in this main section shall also be inadmissible insofar as this circumvents the right of a person to refuse to testify in accordance with section 108(1)(2) to (4).

3) The prohibition of circumvention pursuant to paras. 1 and 2 does not apply if the person concerned is himself or herself an urgent suspect of the offense.

X. Main section

From the examination of the witnesses

§ 105

1) As a rule, anyone who is summoned as a witness is obliged to comply with the summons and to testify to what he knows about the subject of the investigation.

2) The summons must contain the subject matter of the proceedings and the hearing, as well as the place, day and hour of its commencement. Victims shall be informed therein of their essential rights in the proceedings (Section 31a), unless this has already been done previously. Any person shall be obliged to obey such summons and, in the event of his unjustified absence, may be brought before the court under the conditions specified in Section 113 if this has been expressly threatened in the summons.

§ 106

1) Witnesses may not be examined if their testimony is otherwise invalid:

1. clergy about what was confided to them in confession or otherwise under the seal of spiritual official secrecy;

2. civil servants (Section 74(1)(4) and (4a) of the Criminal Code), if their testimony would violate the official secrecy incumbent upon them, insofar as they have not been released from this obligation by their superiors;

3. Persons who, at the time they are called to testify, are unable to tell the truth because of mental illness, mental disability or any other reason.

2) However, there shall be no obligation to maintain secrecy under subsection 1(2) if the witness has made observations relating to the subject matter of the proceedings in the service of the administration of criminal justice or if there is a duty to report (section 53).

§ 107

1) Exempt from the obligation to testify are:

1. Persons who are required to testify in proceedings against a relative (section 72 of the Criminal Code), where those by marriage or registered partnership are

The court may also decide that a person's justified status as a relative remains valid for the purpose of assessing the right to refuse to testify, even if the marriage or partnership no longer exists, which also applies mutatis mutandis to de facto cohabitation;

2. Persons who may have been injured by the offense with which the defendant is charged and who have not yet reached the age of eighteen at the time of their interrogation.

have not completed or may have been violated in their sexual sphere, if the parties have had the opportunity to participate in a preceding contra- dictory hearing (Sections 115a, 195).

2) Pursuant to subsection 1(1), an adult person who participates in the proceedings as a private party (section 32) shall not be exempt from testifying.

3) If the exemption from testifying in proceedings against several defendants exists only with respect to one of them, the witness shall be exempted with respect to the others only if it is not possible to separate the statements. The same shall apply if the ground for exemption relates to only one of several facts.

4) Witnesses shall be informed of their exemption from the obligation to testify before they are questioned or as soon as the reason for the exemption becomes known and their statement shall be recorded in the minutes. The instruction may also be given by an expert (Section 115a (2)). The age and condition of the witness shall in any case be taken into account in the instruction. If the witness has not expressly waived his or her release from the obligation to testify, his or her entire testimony shall be null and void.

§ 108

1) The following persons are entitled to refuse to testify:

1. Persons, insofar as they are themselves or a relative (Sec. 107 (1) para.

1) would expose themselves to the risk of criminal prosecution or, in connection with criminal proceedings against them, to the risk of incriminating themselves beyond their previous testimony;

2. Defense attorneys, attorneys-at-law, legal agents, patent attorneys and notaries public about what has come to their knowledge in this capacity;

3. Specialists in psychiatry and psychotherapy, non-medical psychotherapists, psychologists, probation officers, mediators under the Civil Law Mediation Act and staff of recognized institutions for psychosocial counseling and care as well as for pregnancy prevention.

gership conflict counseling about what has become known to them in this capacity;

4. Media owners (editors), media employees and employees of a media company or media service on questions concerning the person of the author, sender or guarantor of contributions and documents or which relate to communications made to them with regard to their activity;

5. eligible voters about how they exercised an election or voting right declared by law to be secret.

2) The answer to individual questions can refuse:

1. persons, insofar as they would otherwise expose themselves or a relative (Section 107 (1) (1)) to disgrace or to the risk of immediate and significant pecuniary disadvantage;

2. Persons whose private sphere has been violated or could have been violated by the criminal act with which the accused is charged, insofar as they would have to disclose details of the act that they consider unreasonable to describe;

3. persons, insofar as they would have to disclose circumstances from their highly personal sphere of life or the highly personal sphere of life of another person.

3) The right of the persons listed in par. 1 fig. 2 to 4 to refuse to testify may not be circumvented in case of other nullity, in particular not by:

1. Seizure and confiscation of documents and information stored on data carriers newly created by the care relationship;

2. Utilization of retained data; or

3. Interrogation of auxiliary personnel or persons participating in the professional activity for training purposes pursuant to par. 1 figs. 2 to 4.

4) The persons listed in para. 2 may be compelled to testify despite their refusal if this is indispensable due to the special importance of their testimony for the subject matter of the proceedings.

5) Witnesses shall be informed of their right to refuse to testify in whole or in part prior to their examination or as soon as indications of such a right become known. § Section 107(4) second and third sentences shall apply mutatis mutandis. If a witness who has a right to refuse to testify in accordance with par. 1 figs. 2 to 5 has not been informed of this in due time

If the witness does not provide information, the part of the witness's statement to which the right of refusal relates shall be null and void. The recorded protocol must be destroyed in this respect.

§ 109

Persons who are prevented from appearing in court due to illness or infirmity may be heard in their homes.

§ 110

Members of the princely house are questioned in their apartment.

§ 111

If witnesses are to be examined who are abroad, as a rule the competent foreign judge shall be requested to examine them. The judge shall be informed of the subjects and questions on which the examination is to take place, and at the same time the request shall be made to extend the examination, according to the circumstances, to such points of questioning as will arise from the content of the testimony given by the witness. If, however, the personal appearance of such a witness before the court proves necessary, then, if the witness does not appear voluntarily, a report on this must be made to the government.

§ 112

1) If the person to be questioned is in a public office or service and a deputy must act during his or her absence in order to safeguard public safety or other public interests, the immediate superior must be notified of his or her summons at the same time.

2) This provision shall also apply when employees of railroads or other enterprises, where special arrangements for the substitution of the summoned person may become necessary for reasons of public safety, are summoned, when medical personnel in state or municipal service or persons of the public or private forestry service are summoned.

§ 113

If a witness fails to comply with the summons served on him, he shall be summoned again on pain of a fine of up to 1,000 francs in the event of his failure to appear and under the further threat that a summons to appear will be issued against him. If the witness fails to appear without valid excuses, the investigating judge shall impose the fine on him and issue the summons. In serious cases, the examining magistrate may issue a summons to appear against the witness after the first unjustified absence. The witness shall pay the costs of production.

§ 114

If the witness appears but refuses to testify or to take the oath without a legal reason, the investigating judge may impose a penalty of up to 1,000 francs on the witness and, if the witness continues to refuse to testify, a penalty of up to 1,000 francs.

In important cases, the court may impose coercive detention for up to six weeks without having to suspend the continuation or completion of the investigation.

§ 115

1) As a rule, each witness shall be examined individually without the presence of the prosecutor, the private party, the accused, their representatives or other witnesses.

2) However, at the request of the witness, a person of his or her confidence shall be allowed to be present during the examination. This right and the right to advice, accompaniment and representation by the Victim Support Unit (Section 31a (2)) shall be referred to in the summons. Anyone who is suspected of involvement in the offence, anyone who has been or is to be examined as a witness and anyone who is otherwise involved in the proceedings or who gives rise to concern that his or her presence could prevent the witness from giving a free and complete statement may be excluded as a person of trust. Confidential persons are obliged to maintain secrecy about their perceptions in the course of the examination (Section 301 (2) of the Criminal Code).

3) A person under the age of eighteen, a mentally ill person or a mentally handicapped person shall be questioned by a person of his or her confidence if it is in his or her interest to do so.

§ 115a

1) If it is feared that it will not be possible to examine a witness at the final hearing for factual or legal reasons, the investigating judge shall give the prosecutor, the private party and the accused and their representatives the opportunity to participate in the examination and to put questions to the witness. Sections 186 and 197(1) and (2) shall apply mutatis mutandis. The investigating judge may arrange for the questioning to be recorded in audio or video form. In this case, instead of a record, a written summary of the contents of the examination may be prepared, which is to be signed by the judge and added to the file. Insofar as this is necessary for the assessment of the case, the statement shall be reproduced verbatim in the summary.

2) In the interest of the witness, especially in view of his or her young age or mental or health condition, or in the interest of establishing the truth, the investigating judge may limit the opportunity to participate in such a way that the parties and their representatives may follow the examination of the witness, if necessary by using technical equipment for word and image transmission, and exercise their right to ask questions without being present at the examination.

to be present during the questioning. The examining magistrate may commission an expert to conduct such questioning, in particular if the witness has not yet reached the age of eighteen. In any case, care must be taken to ensure that the witness does not meet the accused.

3) A witness who has not reached the age of eighteen and whose sexual sphere may have been violated by the criminal offense with which the accused is charged shall in any case be examined by the court in the manner described in subsection 2, and the other witnesses mentioned in section 107(1) shall be examined if they or the public prosecutor so request.

4) Prior to the examination, the examining magistrate shall inform the witness of his or her rights under para. 3 and of the fact that the minutes may be read out at the final hearing and that audio or video recordings of the examination may be shown, even if the witness decides not to testify in the further proceedings. These instructions and statements made about them shall be recorded in the minutes; they may also be made by the expert (para. 2). The age and condition of the witness shall be taken into account in each instruction.

§ 116

If a witness does not know the German language, an interpreter shall be called in if both the examining magistrate and the court reporter do not know the foreign language. The witness's statement shall be recorded in this language in the minutes or in the enclosure only if it is necessary to quote the interrogated person's own expressions verbatim (Section 48(3)).

§ 117

If a witness is deaf, the questions shall be put to him in writing, and if he is mute, he shall be requested to answer in writing. If one or the other method of questioning is not possible, the witness must be questioned with the assistance of one or more persons who know the sign language of the witness or otherwise have the skill to communicate with deaf-mutes and who must be sworn in as interpreters beforehand.

§ 118

Before being questioned, the witness shall be admonished to state the truth to the best of his knowledge and belief in response to the questions put to him, not to conceal anything, and to give his testimony in such a manner that he may, if necessary, corroborate it under oath.

§ 119

1) The witness shall then be questioned about his or her first name and surname, date of birth, place of birth or marriage, occupation and place of residence or other address suitable for summoning and, if necessary, about his or her relationship to the accused. If the witness is questioned in the presence of other persons, this must be done in such a way that these circumstances do not become public knowledge.

2) Questions about any criminal proceedings against the witness and their outcome as well as questions about circumstances from the witness's highly personal sphere of life may not be asked unless this appears to be unavoidably necessary according to the special circumstances of the case.

§ 119a

If, on the basis of certain facts, it is to be feared that the witness will harm himself or a third party by disclosing the name and other

If the witness would expose himself or herself to a serious risk to life, health, physical integrity or freedom by giving personal details (Section 119(1)) or by answering questions that allow conclusions to be drawn about him or her, he or she may be permitted not to answer such questions. In this case, it shall also be permissible for the witness to change his external appearance in such a way that he cannot be recognized. However, he is not permitted to cover his face in such a way that his facial expression cannot be perceived to the extent that this is indispensable for assessing the credibility of his testimony.

§ 120

During the examination on the matter itself, the witness shall first be induced to give a coherent account of the facts forming the subject matter of the testimony, but then to supplement them and to remove ambiguities or contradictions. In particular, the witness shall be requested to state the reason for his knowledge. Questions, by which facts are held against him, which are to be established only by his answer, are to be avoided as far as possible and if they have to be asked, to be made clear in the minutes.

§ 121

1) A witness may be confronted with several persons, openly or covertly, one of whom is a suspect. The witness must first be asked to describe the characteristics of the suspect that are necessary to distinguish them; the persons confronted must be as similar as possible to this description. Then the witness shall be asked to state whether he or she has seen a suspect.

person and on the basis of which circumstances this is the case. This process must be recorded and can be supported by suitable imaging procedures.

2) The same applies to the inspection of photographs and the hearing of voice samples. Even if the witness is to recognize objects that are of significance as evidence, he must first be asked to describe this object and, if applicable, its distinguishing features.

3) Furthermore, a confrontation of the accused or a witness with other witnesses or accused persons is permissible if the respective statements differ from each other in significant circumstances and it can be assumed that the clarification of the contradictions can be promoted thereby. The persons confronted with each other shall be informed of any

The parties shall be specifically heard on each circumstance of their divergent or contradictory statements; the mutual responses shall be recorded.

§ 122

After closed testimony, any witness who has testified to something relevant to the case, or in respect of whom the investigating judge deems it necessary to take the oath in order to be fully certain that nothing further is known to him, shall swear to his testimony.

§ 123

The following persons may not be sworn in the event of other invalidity of the oath:

1. who are themselves referred or suspected of having committed or participated in the criminal act for which they are being intercepted;

2. who are under investigation for a criminal act committed intentionally and punishable by more than one year's imprisonment, or who have been sentenced to a term of imprisonment for such an act which they are still serving;

3. who have already been convicted of giving false evidence in court;

4. who have not yet reached the age of fourteen at the time of their interception;

5. who suffer from a significant weakness of perception or memory;

6. who live in an enmity with the accused against whom they testify, which, according to the personalities and with regard to the circumstances, is suitable to exclude the full credibility of the witnesses;

7. who have stated material circumstances in their interrogation, the untruth of which is proven and about which they cannot prove a mere error.

§ 124

1) When being questioned as a witness, the injured person must be asked in particular whether he or she will join the criminal proceedings as a private party.

2) Even if the private party acts as the prosecutor (Section 173), all the rules issued on the examination of witnesses shall apply.

XI. Main section

From the summons, production, arrest and pre-trial detention of the defendant247

I. Subpoena and demonstration

§ 125

1) The accused shall first be summoned for questioning, unless otherwise provided by law.

2) The summons shall be served by a written and sealed summons signed by the examining magistrate and addressed to the person summoned. This summons must contain the name of the court and of the person summoned, the general description of the subject of the investigation, the place, the day and the hour of appearance and the statement that the person summoned is to be heard as the accused and, in the event of his failure to appear, will be brought before the court in person.

§ 126

1) If the summoned person does not appear without having indicated a sufficient excuse, a written summons shall be issued against him.

2) The investigating judge may order the suspect to be brought in for immediate questioning if, on the basis of certain facts, it can be assumed that the suspect will otherwise evade the proceedings or interfere with evidence. If such an order cannot be obtained because of imminent danger, or if the suspect is entered in the act or is credibly accused of committing the act immediately thereafter, or is entered with objects indicating his or her involvement in the act, the investigating judge may

the state police bring him forward on their own initiative.

II. Arrest and pretrial detention

§ 127

1) Even without a prior summons, the investigating judge may order the arrest of the suspect of a crime or misdemeanor,

1. if the suspect is entered in the act or credibly accused of perpetration immediately after the commission of a felony or misdemeanor, or is entered with weapons or other objects derived from the felony or misdemeanor or otherwise indicating his or her participation therein;

2. if he or she is a fugitive or is in hiding, or if there is a danger, based on certain facts, that he or she will evade criminal proceedings, in particular by leaving his or her place of residence without permission or by failing to obey a summons to the final hearing, or by fleeing or hiding because of the magnitude of the punishment he or she is presumed to face, or for other reasons;

3. if he or she has attempted to influence witnesses, experts or co-defendants, to eliminate the evidence of the crime or otherwise to impede the investigation of the truth or if, on the basis of certain facts, there is a risk that he or she will attempt to do so, or

4. if, on the basis of certain facts, it can be assumed that he will commit a punishable act directed against the same legal interest as the act with which he is charged, or he will carry out the act with which he is charged, attempted or threatened.

2) In the case of a crime for which the law prescribes a minimum term of imprisonment of ten years, the arrest of the suspect must be ordered, unless it can be assumed on the basis of certain facts that the existence of all the grounds for arrest listed in para. 1 items 2 to 4 can be ruled out.

3) An order for detention pursuant to paras. 1 and 2 shall not be permissible if the detention is disproportionate to the importance of the case.

§ 128

1) The investigating judge shall order the detention by a decision stating the reasons for its preconditions (section 127); a

A copy of the order shall be delivered to the suspect immediately upon his arrest or within 24 hours.

2) If one of the persons referred to in Section 112 is arrested, his immediate superior shall be informed thereof without delay and, unless there are special reservations to the contrary, already of the order for arrest (para. 1). If the detention is lifted, this must also be communicated immediately.

3) The investigating judge and the public prosecutor shall be notified immediately of the arrest, stating the day, hour and time; the public prosecutor shall file a motion for release or for the imposition of pre-trial detention without delay, but within 48 hours at the latest.

§ 128a

Every arrested person shall be informed at the time of arrest or immediately thereafter of the suspicion against him and the reason for his arrest, as well as of the fact that he is entitled to inform a relative or other confidant and a defense counsel and that he has the right not to testify. In doing so, he must be made aware that his testimony may serve his defense, but may also be used as evidence against him.

§ 129

1) Exceptionally, the suspect may be detained by the state police without a written order for the purpose of bringing him before the investigating judge:

1. in the case of section 127, paragraph 1, item 1;

2. in the cases referred to in Section 127(1)(2) to (4) and Section 127(2), if it is not possible to obtain the order of the examining magistrate provisionally because of imminent danger.

2) The person arrested shall be questioned without delay on the merits of the case and on the conditions of the arrest, and if it emerges that there are no longer any grounds for his arrest, he shall be released immediately. If release from custody is out of the question, the public prosecutor shall be notified immediately; if the public prosecutor declares that he will not apply for pre-trial detention, the arrested person shall be released immediately. Otherwise, the public prosecutor shall immediately notify the court of the arrest of the accused (section 128(3), first sentence).

and immediately, but not later than 48 hours after the arrest, file an application for pre-trial detention.

3) Detention may not be maintained if its purpose can be achieved by more lenient means pursuant to section 131(5)(1) to (4) and (5) to (7). In this case, if the public prosecutor agrees, the state police shall immediately

to give the necessary instructions, to take the vows from him or to take from him the papers referred to in section 131(5)(5) and (6) and to release the suspect. The results of the investigation, together with the records of the instructions given and the vows taken, as well as the papers taken, shall be forwarded to the public prosecutor's office together with the results of the investigation within 48 hours of the arrest. The investigating judge shall decide on the maintenance of these lenient means by means of a resolution.

4) Arrest and continuation of detention under paras. 1 and 2 are not permissible insofar as they are disproportionate to the importance of the case.

§ 130

1) Every arrested person shall be questioned by the investigating judge without delay, but at the latest within 48 hours of the filing of the request for the imposition of preventive detention. At the beginning of the interrogation, the investigating judge shall inform the arrested person of the charges against him/her and that he/she is free to speak or not to testify on the merits of the case, and that he/she may consult with a defense counsel before doing so. He must be made aware that his testimony may serve his defense, but may also be used as evidence against him.

2) After the interrogation, the examining magistrate shall decide immediately whether the accused is to be released, if necessary using less severe means (section 131(5)), or whether he is to be remanded in custody. The examining magistrate may, however, carry out immediate investigations or have them carried out before making his decision if the result of such investigations is expected to have a decisive influence on the assessment of the suspicion of the offence and the grounds for detention. In any case, the examining magistrate shall decide on pre-trial detention within 48 hours of the defendant's surrender.

3) The decision of the investigating judge, together with the reasons for it, shall be issued to the accused immediately; this shall be recorded in the minutes. A decision to release the defendant shall be notified to the public prosecutor within

24 hours; a copy shall be sent to any probation officer appointed. If the decision is to impose pre-trial detention, service on the defendant shall be effected within 24 hours; copies shall be sent without delay to the state prison and to any probation officer appointed. The defendant may not effectively waive service.

4) The order imposing pre-trial detention shall contain:

1. the name of the accused and other personal data,

2. the act of which the accused is strongly suspected, the time, place and circumstances of its commission, as well as its legal designation,

3. the reason for adhesion,

4. the specific facts from which the urgent suspicion and the reason for detention arise, and for what reasons the purpose of detention cannot be achieved by the application of lesser means,

5. notification of the maximum date until which the detention order is effective, and that a detention hearing will be held before any continuation of the detention, unless one of the cases referred to in section 132(3), (4) or (6) occurs,

6. the notification that the defendant may notify a relative or other trusted person of the imposition of pre-trial detention or have them interrogated,

7. the notification that the defendant must be represented by a defense attorney while in pretrial detention,

8. the notification that the defendant is entitled to file an appeal to the Supreme Court within seven days after service of the order and that he may otherwise apply for his release at any time.

5) The accused and the public prosecutor shall have the right to appeal to the Supreme Court against a decision under subsection 2 within seven days of service. An appeal by the accused against the imposition of pre-trial detention shall, upon its receipt, trigger the detention period of one month (section 132(2)(2)). A subsequent decision of the higher court to continue pre-trial detention shall trigger the detention period of two months (section 132(2)(3)). The period shall commence on the date of the decision. Paragraph 4 items 1 to 5 apply mutatis mutandis.

§ 131

1) Pre-trial detention may only be imposed or continued at the request of the public prosecutor and only if an investigation is opened against the accused or charges are brought and the accused is strongly suspected of a particular offence, one of the grounds for detention set out in paras. 2 or 7 is present and the accused has already been questioned by the examining magistrate on the merits of the case and on the conditions for pre-trial detention. Pre-trial detention may not be imposed or continued if it is disproportionate to the importance of the case or to the expected punishment or if its purpose can be achieved by the use of less severe means (para. 5).

2) The imposition of pre-trial detention, except for the cases referred to in par.

7 that, on the basis of certain facts, there is a danger that the accused will be released from custody.

1. because of the magnitude of the punishment he is presumed to be facing or for other reasons, flee, conceal himself or otherwise evade criminal proceedings, in particular by absconding from his place of residence without permission or by failing to obey a summons to the final hearing (risk of absconding),

2. Influence witnesses, experts or co-defendants, remove traces of the crime or otherwise attempt to impede the investigation of the truth (danger of collusion) or

3. notwithstanding the criminal proceedings against him

a) commit a criminal act with serious consequences directed against the same legal interest as the criminal act with serious consequences with which he is charged;

b) commit a criminal act with not merely minor consequences which is directed against the same legal interest as the criminal act with which he is charged, if he has either already been convicted of such a criminal act or if he is now charged with repeated or continued acts;

c) commit a criminal act which, like the criminal act for which he is charged, is directed against the same legal interest as the criminal acts for which he has already been convicted twice;

d) carry out the attempted or threatened act with which he is charged.

3) In any case, a risk of absconding shall not be assumed if the accused is suspected of a criminal act punishable by a term of imprisonment of not more than five years, if he or she is in a stable living environment, or if he or she is in a state of health.

The accused must be in custody if he or she is in a precarious situation and has a permanent place of residence in Germany, unless he or she has already made arrangements to flee or taken other precautions to evade the proceedings. In assessing the grounds for detention under subsection 2(3), it is of particular importance if the accused poses a risk to life and limb or a risk of committing crimes in a criminal organization or terrorist organization (sections 278a and 278b of the Criminal Code). Moreover, when assessing this reason for detention, the extent to which the danger has been reduced by the fact that the circumstances in which the offense with which the defendant is charged was committed have changed must be taken into account.

4) Pre-trial detention may not be imposed or maintained if the purposes of detention can also be achieved by concurrent criminal detention or detention of another kind. If the imposition or maintenance of pre-trial detention is dispensed with on account of simultaneous criminal detention, the investigating judge shall order such deviations from the execution of criminal detention as are indispensable for the purposes of the investigation.

5) Applicable as palliatives are:

1. a vow not to flee or remain hidden until the final termination of the criminal proceedings, nor to move from his place of residence without the permission of the investigating judge;

2. vowing not to attempt to thwart the investigation;

2a. in cases of domestic violence (Art. 24g par. 1 of the Police Act), the vow to refrain from any contact with the person at risk and the instruction not to enter a certain dwelling and its immediate surroundings or not to violate an already issued prohibition to enter pursuant to Art. 24g par. 2 and 3 of the Police Act or a temporary injunction pursuant to Art. 277a of the Code of Execution, including the taking of all keys to the dwelling;

3. an instruction to live in a certain place, with a certain family, to avoid a certain dwelling, certain places or certain intercourse, to abstain from alcoholic beverages or other intoxicating substances, or to engage in regular work;

4. instructions to report any change of residence or to report to the court or other authority at specified intervals;

4a. with the consent of the accused, the instruction to undergo withdrawal treatment, otherwise medical treatment or psychotherapy (section 51(3) of the Criminal Code) or a health-related measure;

5. the temporary withdrawal of the travel documents;

6. the temporary acceptance of the passports necessary for driving a vehicle;

7. the provision of security in accordance with sections 142 to 144;

8. the ordering of provisional probation assistance pursuant to section 144b.

6) If the purposes of detention cannot be achieved by simultaneous criminal detention or detention of another kind or by the use of less severe means, or if the investigation would be substantially impeded by the maintenance of criminal detention or detention of another kind, the investigating judge shall impose pre-trial detention. Thus, in the case of criminal detention, an interruption of the execution of the sentence shall occur.

one.

7) If the crime in question is one for which the law prescribes a term of imprisonment of at least ten years, pre-trial detention must be imposed unless it can be assumed, on the basis of certain facts, that all the grounds for detention specified in para. 2 are excluded.

8) Retrieved

9) Retrieved

§ 132

1) Decisions to impose or continue pre-trial detention and decisions of the higher court to continue pre-trial detention (section 132a(4)) shall be effective for a specified period at the longest (detention period); the expiration date shall be stated in the decision. Before the expiry of the detention period, a detention hearing shall be held or the accused shall be released.

2) The liability period is

1. 14 days from the date of imposition of pre-trial detention;

2. one month from the first continuation of pre-trial detention;

3. two months from further continuation of pre-trial detention.

3) Upon final transfer to the prosecution status or scheduling of the final hearing by the single judge, the ongoing

term of imprisonment only two months after this date; however, if the single judge orders the final hearing within the first term of imprisonment (para. 2 cl.

1) it shall expire one month after the order. If the term of detention would expire before the beginning of the final hearing and the accused cannot be released, the presiding judge (single judge) shall hold a detention hearing. The same shall apply if the defendant requests to be released from custody and a decision on this cannot be made without delay at the final hearing.

4) If it is impossible to hold the detention hearing before the expiry of the detention period due to an unforeseeable or unavoidable event, the detention hearing may be postponed to one of the three working days following the expiry of the period; in this case, the detention period shall be extended accordingly. The reasons for the postponement shall be stated in the decision (section 132a(3)).

5) If two detention hearings have already taken place, the defendant may waive the right to an upcoming additional detention hearing.

In this case, the decision to lift or continue the detention pending trial (Section 132a (3)) may be issued in writing without prior oral proceedings.

6) In all other respects, the effectiveness of the most recently issued decision to impose or continue pre-trial detention shall not be limited by the detention period as of the commencement of the final hearing; ex officio detention hearings shall not take place after that date.

§ 132a

1) The detention hearing shall be conducted by the investigating judge; it shall not be public. The public prosecutor, the defense counsel, the legal representative and the probation officer shall be summoned to the hearing; the accused shall be notified of this appointment.

2) The accused shall be brought before the court for trial, unless this is not possible due to illness. He must be represented by a defense counsel.

3) First of all, the public prosecutor shall present and justify his request for the continuation of pre-trial detention. The accused, his defense counsel and his legal representative have the right to reply. The probation officer may comment on the detention issue. The parties may request additional findings from the file. The investigative

The court judge may, ex officio or at the suggestion of the parties, examine witnesses or take other evidence as he deems appropriate; the parties have the right to ask questions. The achievement of the purpose of the investigation must not be jeopardized by the hearing. The accused or his defense counsel shall have the right to make a final statement. The investigating judge shall then decide on the lifting or continuation of pre-trial detention by means of an order; this order shall be pronounced orally and issued in writing. § Section 130(4)(1) to (5) and (8) shall apply mutatis mutandis.

4) The accused and the public prosecutor shall have the right to appeal to the higher court against a decision under paragraph 3 within three days of the decision being issued (section 239). If the higher court orders the continuation of pre-trial detention, section 130(4)(1) to (5) shall apply mutatis mutandis.

III. Execution of pre-trial detention

§ 133

1) The purpose of pre-trial detention is exclusively to counteract the reason for detention (Section 131(2)).

2) Life in pre-trial detention shall be brought into line with general living conditions as far as possible. Restrictions may only be ordered or imposed to the extent that this is legally permissible and necessary to achieve the purpose of detention or to maintain security and order in the country prison.

3) In the execution of pre-trial detention, particular attention shall be paid to ensuring that

1. the presumption of innocence applies to accused persons,

2. defendants have sufficient opportunity to prepare their defense, and

3. harmful consequences of deprivation of liberty are counteracted in an appropriate manner.

4) The provisions of the Prison Act shall apply mutatis mutandis to the execution of pre-trial detention insofar as they are compatible with the security purpose of pre-trial detention, unless the Code of Criminal Procedure provides otherwise. The execution of pre-trial detention shall not be postponed or interrupted for the sole reason that the

The court shall decide whether to suspend the execution of the sentence on the grounds of unfitness to serve the sentence.

5) The provisions on the execution of pre-trial detention shall also apply to the execution of detention under sections 127 and 129.

§ 134

1) Prisoners on remand shall not be housed in community with prisoners. However, separation may be dispensed with during outdoor exercise, work, religious services and events, as well as during care of the sick, insofar as such separation is not possible according to the facilities available.

2) To the extent necessary to achieve the purposes of detention, remand prisoners suspected of involvement in the same act shall be housed in such a way that they cannot communicate with each other. As long as the examining magistrate has not reached a decision on this matter, such remand prisoners shall in any case be housed separately.

3) Female pre-trial detainees shall in any case be housed separately from male pre-trial detainees and male prisoners.

§ 135

1) Prisoners on remand shall be treated with respect for their personality and honor and with the greatest possible consideration for their person. If a pre-trial detainee does not have suitable clothing, he shall be provided with such clothing for court hearings, for executions and for transfers by public transport.

2) Prisoners on remand are entitled to procure commodities and other amenities at their own expense, provided that this is compatible with the purpose of detention and does not endanger security or significantly impair order in the state prison or inconvenience fellow prisoners.

§ 136

1) Prisoners on remand are not obliged to work. However, a remand prisoner who is fit for work may work under the conditions applicable to prisoners (Arts. 42 to 46 StVG) if he or she

declares its willingness to do so and there is no reason to fear any disadvantages for the procedure.

2) The remuneration for work shall be credited in full to the remand prisoner as house money after deduction of the contribution to the costs of execution (Art. 28 par. 2 first case and par. 3 StVG). In the event of an acquittal or discontinuation of the criminal proceedings, the retained contribution to the execution costs shall be paid to the prisoner.

3) If work cannot be assigned to a remand prisoner who is willing to work and whose purpose of imprisonment does not prevent him from being ordered to work, he shall subsequently be paid an amount of 5

% of the remuneration for housekeeping employees according to the standard employment contract to be credited as housekeeping allowance.

§ 137

1) Pre-trial detainees may receive visits within the set visiting times as often and to the extent that the process can be guaranteed without unreasonable effort. In all other respects, Articles 84 to 87 of the Penitentiary System Act shall apply to the receipt of visits, subject to the following provisions:

1. Prisoners on remand may not be denied a visit of at least half an hour's duration at least twice a week,

2. The content of the conversation between a prisoner on remand and a visitor shall be subject to surveillance only if the investigating judge so orders in order to secure the purpose of detention or if the prison director so orders in order to maintain security in the state prison,

3. the visit of certain persons who are feared to endanger the purpose of pre-trial detention or the security of the state prison may be prohibited or terminated.

2) Prisoners on remand are entitled to communicate in writing and by telephone with other persons at their own expense, unless the extraordinary volume of correspondence or telephone calls impairs supervision or security and order. In this case, the necessary restrictions shall be imposed. Letters which are likely to interfere with the purposes of imprisonment shall be withheld, unless the provisions of Article 81 of the Penitentiary System Act on written communication with the public apply.

offices, legal advisors and guardianship offices. Par. 1 No. 2 shall apply to the monitoring of the content of telephone conversations.

3) Section 30 (3) and (4) shall apply to the monitoring of oral and written communications between the prisoner under examination and his defense counsel.

§ 137a

1) The decision as to which persons remand prisoners may communicate with and which visits they may receive, the supervision of their correspondence and visits, as well as all other decisions relating to communication with the outside world, shall be the responsibility of the remand judge. Monitoring of correspondence and telephone calls may be dispensed with only to the extent that there is no reason to fear that it will impair the purposes of detention.

2) Misdemeanors committed by pre-trial detainees shall be reported to the investigating judge. The same shall apply to incidents which are likely to impair the purposes of detention.

IV. Security deposit, maximum duration and lifting of detention

§ 138

1) The accused may be released on bail or surety and on taking the vows referred to in section 131(5)(1) and (2), or the pre-trial detention imposed on him may be revoked, provided that the reason for detention is exclusively the risk of absconding (section 131(2)(1) and (2)).

1) exists or cannot be excluded (Section 131(7)); detention must be withheld or revoked against the specified sureties if the criminal offense is not punishable more severely than by five years' imprisonment. The amount of the bail or surety shall be determined by the investigating judge

The court shall determine the amount of the security to be provided, taking into account the gravity of the offense with which the defendant is charged, the circumstances of the person arrested, and the assets of the person providing security.

2) The bail or guarantee sum shall be deposited either in cash or in such securities as may be used under existing laws for the investment of the funds of minors or persons to whom a guardian has been appointed, calculated according to the stock exchange price on the day of deposit, or by pledge.

The court shall ensure the transfer of the assets to immovable property or by suitable guarantors (§ 1374 ABGB), who at the same time undertake to be the payer.

3) The accused and the public prosecutor shall have the right to appeal against the decision of the investigating judge to the Supreme Court within 14 days.

§ 139

1) If, after being permitted to be released, the accused makes efforts to escape or if new circumstances arise that require his arrest, he shall be arrested notwithstanding the surety bond; if he has been arrested in such cases, the bond or surety bond shall be released.

2) The same shall apply as soon as the criminal proceedings have been finally terminated by discontinuation or by a final judgment, but in the case of a sentence of imprisonment which has not been conditionally imposed, only as soon as the sentenced person has served the sentence.

3) The investigating judge shall decide on the release of the bail or the bail amount, but the presiding judge (single judge) shall decide on the release of the bail or the bail amount after a final transfer to the indictment status or after ordering the final hearing before the single judge.

§ 140

1) The bail or guarantee sum shall be declared forfeited by the court if the accused absconds from the investigation or, in the case of a sentence of imprisonment without condition, from the commencement of this sentence, in particular by absconding from his place of residence without permission or by failing to appear before the court within three days of the summons issued to him, which must be served in the case of his failure to appear in accordance with Art. 8 para. 2 ZustG.

2) This decision, once it has become final, is enforceable like any judgment. The forfeited security sums shall accrue to the country, but the person injured by the criminal act shall have the right to demand that, first and foremost

its claims for compensation are satisfied therefrom.

§ 141

1) All authorities involved in criminal proceedings are obliged to work towards keeping detention as short as possible.

2) Detention and the use of lesser means shall be lifted as soon as their preconditions no longer exist or their duration would be disproportionate.

3) If the provincial police become aware of a circumstance which, either on its own or in conjunction with the results of previous investigations, could have the effect of revoking the pre-trial detention (para. 2), they shall immediately notify the investigating judge and the public prosecutor's office thereof. In addition, it shall ensure that, at the latest before the first detention hearing, all the results of the investigation that are not yet available are sent to the investigating judge in triplicate and to the public prosecutor's office in a single copy.

4) If the public prosecutor is of the opinion that the pre-trial detention should be lifted, he shall apply for this to the examining magistrate, who shall immediately order the release.

5) If the accused requests his release and the public prosecutor opposes it, the investigating judge shall schedule a detention hearing without delay. The same shall apply if the examining magistrate is of the opinion that the detention may be revoked and the public prosecutor opposes the detention.

6) The investigating judge shall order the lifting of lenient means if the accused so requests and the public prosecutor agrees. Otherwise, the examining magistrate shall decide on the abolition or modification of lenient means by order after hearing the public prosecutor. The accused and the public prosecutor have the right to appeal against this decision to the higher court within three days. The public prosecutor's appeal shall have a suspensive effect.

7) If the victim has so requested, he or she shall be immediately informed of the release of the accused before the judgment of the first instance is handed down, stating the relevant reasons for this and the palliative measures imposed on the accused. Victims of domestic violence and victims pursuant to section 31b(3) shall in any event be informed of this without delay ex officio. This notification shall be arranged by the regional police, but in the case of release from pre-trial detention by the regional court.

§ 142

1) Pre-trial detention on the grounds of danger of collusion (Section 131(2)(2)) may not last longer than two months.

2) Moreover, the accused shall be detained in any case if he has already been in pre-trial detention for six months, or one year in the case of a felony, or two years in the case of a felony punishable by a term of imprisonment exceeding five years, without the final hearing having commenced.

3) Pre-trial detention may be maintained beyond six months only if this is unavoidable due to special difficulties or special scope of the investigation with regard to the weight of the reason for detention.

4) If a defendant released from pre-trial detention in execution of the above provisions has to be detained again for the purpose of conducting the final hearing, this may be done for a maximum period of six weeks at a time.

§ 143

Retrieved

§ 144

Retrieved

§ 144a

Repealed

V. Preliminary probation

§ 144b

1) Provisional probation assistance shall be ordered if the defendant agrees to it and if it appears necessary to promote the defendant's efforts to adopt a lifestyle and attitude that will prevent him from committing criminal acts in the future.

2) If the defendant has a legal representative, the latter shall be notified of the order for provisional probation assistance.

3) Provisional probation assistance shall end at the latest with the final conclusion of the criminal proceedings. In all other respects, the provisions on probation assistance shall apply mutatis mutandis.

XII. Main section

From the interrogation of the accused

§ 145

1) The accused shall be questioned by the investigating judge during the investigation without the presence of the prosecutor or other persons not legally appointed to do so. As a rule, the questioning shall take place orally, but the examining magistrate may also permit a written answer in the case of complicated points. Court witnesses are to be present during the questioning of the accused only if the investigating judge deems it necessary or if the accused so requests.

2) If an arrested person has been placed in shackles, these must be removed before he is questioned, provided this can be done without danger.

3) If he is not proficient in the German language or is deaf or dumb, the provisions of sections 116 and 117 shall be observed.

§ 146

The examining magistrate shall interrogate the accused without delay as soon as it can be done and shall not interrupt the interrogation once started for a longer period of time without an important obstacle. In particular, the interrogation shall not be interrupted if the interrogated person confesses his guilt or his innocence, or if it is perceived that the questions put to him have made him unable to evade the truth, or that there is otherwise an opportunity to get closer to the discovery of the truth.

§ 147

1) The investigating judge shall instruct the accused (Section 23(3)) in accordance with the second and third sentences of Section 130(1) before the hearing begins. The accused shall then be informed of his or her first name and surname, date of birth, religion, place of birth and residence, and state of health,

In addition, as far as it appears necessary for the purpose of the investigation, he shall be asked about his family and financial circumstances, his curriculum vitae, and in particular whether and why he has already been subject to investigation or punishment.

2) The accused shall have the right to have a defense counsel present during questioning; the defense counsel may not participate in any way in the questioning itself, but may address supplementary questions to the accused after the questioning has been concluded. During the interrogation, the accused may not confer with the defense counsel on the answering of individual questions. The involvement of a defense counsel may be waived, however, if this appears necessary in order to prevent a danger to the accused's safety.

investigation or to prevent the evidence from being compromised. In this case, an audio or video recording (Section 50a) must be made if possible.

3) If the concern referred to in section 115a(1) exists with respect to an accused, the latter may be questioned by the investigating judge in the manner specified in section 115a.

§ 148

After the questioning about the personal circumstances, the examining magistrate shall cause the accused to state the facts forming the subject of the accusation in a coherent and comprehensive narrative. The further questions shall be directed, avoiding all unnecessary prolixity, towards supplementing the narrative, removing ambiguities and contradictions, and shall be put in such a way, in particular, that the accused learns of all the grounds for suspicion and statements of other persons against him and is given full opportunity to remove them and to justify himself. If he states facts or evidence for his exoneration, these must be raised, unless they were obviously stated for the purpose of delay.

§ 149

1) The questions to be addressed to the accused must not be indefinite, ambiguous or captious; they must flow one from the other according to the natural order. Therefore, in particular, the posing of such questions is to be avoided in which a fact not admitted by the accused is assumed to be already admitted.

2) Questions by which the circumstances of the case are held against the accused, which are to be established only by his answer, or by which the co-participants to be inquired about are described to him by name or other easily recognizable characteristics, may be asked only if the accused could not be led in any other way to a statement about them. In such cases, the questions shall be recorded verbatim in the minutes.

§ 150

Objects relating to the crime or serving to refer the accused shall be presented to him for recognition after a preliminary description of them and, if it is not possible to present them, he shall be led to these objects for the purpose of their recognition. The accused may, if this is necessary to remove doubts as to the authenticity of an item attributed to him, present it to the court.

The court may order the person who appears to be in favor of the document to write down a few words or sentences in court, without, however, using coercive means.

§ 151

No promises or pretenses, threats or coercive means may be used to induce the accused to make confessions or other specific statements. Nor may the investigation be delayed by efforts to obtain a confession.

§ 152

If the accused refuses to answer at all or to certain questions, or if he turns a deaf ear, mute, insane or stupid face, and if in the latter cases the examining magistrate is convinced of the understanding either by his own perceptions or by questioning witnesses or experts, the accused is merely to be made aware that his conduct cannot impede the investigation and that he may thereby deprive himself of his grounds for defense.

§ 153

If later statements by the accused differ from the earlier ones, or if he or she recants in particular earlier confessions, he or she shall be informed of the conviction.

ing to those deviations and the reasons for its revocation.

§ 154

1) If the statements of an accused differ in significant points from the statements of a witness or co-participant testifying against him, these are to be confronted with him in the course of the investigation only if the investigating judge deems it necessary to clarify the matter.

2) In such confrontations, the procedure prescribed in section 121 shall be observed.

§ 155

1) To the detriment of a defendant, except against a person accused of a violation of law in connection with an interrogation, his statements as well as those of witnesses and co-defendants may not be used as evidence, insofar as they

1. under torture (Art. 7 of the International Covenant on Civil and Political Rights).

rights, Art. 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms and Art. 1 para. 1 and 15 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment), or

2. otherwise obtained by unlawful interference with the freedom to decide or exercise one's will or by inadmissible methods of interrogation, insofar as they violate fundamental procedural principles, and their exclusion is indispensable to redress this violation.

2) Statements made or obtained in the manner described in paragraph 1 are null and void.

§ 156

Confessions by the accused do not release the investigating judge from the duty to investigate the facts of the case as far as possible.

XIII. Main section

From the indictment

§ 157

As soon as the investigating judge has completed the investigation, he shall forward the files to the prosecutor for filing a motion.

§ 158

1) The prosecutor shall file his applications within fourteen days. Failure to meet this deadline shall result in the prosecutor being subject to the consequences of Section 11, and in the private prosecutor to those of Section 31(3).

2) If the public prosecutor, as the prosecutor, is of the opinion that the requirements of Section 42 of the Criminal Code are met, he shall file an application with the investigating judge to discontinue the proceedings. An appeal against the judge's decision may be lodged with the higher court within fourteen days of service. No further legal action shall be taken.

§ 159

If the prosecutor requests that the investigation be supplemented, the higher court shall decide on this request without further legal action if the examining magistrate does not agree.

§ 160

After rejection of the supplementary application or making the supplements over-

the investigating judge shall forward the file again to the prosecutor, who shall again be entitled to the four-ten-day period for filing his applications (Section 158(1)).

§ 161

If the prosecutor brings an indictment, he shall specify the offence for which he seeks the conviction of the accused. With respect to charges that the prosecutor omits, it shall be presumed that the prosecutor is requesting the commencement of criminal proceedings. These points of accusation may not be discussed in the following final proceedings.

§ 162

The indictment shall be filed in writing. The prosecutor may attach to the indictment requests for evidence, in particular for the subpoenaing of witnesses and experts, although he is not limited to requesting the repeated examination of witnesses and experts who have already been examined in the investigation proceedings, but may also extend his requests to others.

§ 163

1) In criminal court, it is the prosecutor's responsibility to file a formal indictment.

2) The indictment must contain:

1. the name of the accused;

2. the indication of the criminal act or acts charged by the prosecutor according to all their legal characteristics that condition the application of a certain sentence, adding the special circumstances of the place, time, object, etc., to the extent necessary for the clear designation of the act;

3. the statutory designation of the criminal act or acts for which the indictment is directed, as well as the citation of those parts of the Criminal Code whose application is requested.

3) The indictment shall be accompanied by a brief but exhaustive statement of the grounds on which it is based, in which the facts of the case, as they appear from the record, shall be recounted in a coherent manner.

4) In addition, the list of witnesses and experts to be summoned and of other evidence which the prosecutor intends to use in the final hearing shall be included in or attached to the indictment.

§ 164

In the indictment, the prosecutor may also request the arrest of the accused and imposition of pre-trial detention.

§ 165

1) The indictment, whether or not an investigation has taken place, shall be filed with the investigating judge.

2) The examining magistrate shall notify the accused of the indictment together with the supporting documents and inform him of his rights of defence (sections 24 et seq.), in particular that he may object to the indictment (section 166(2)) and request the decision of the higher court on the admissibility of the indictment, and that he requires defence counsel for the final hearing.

3) The investigating judge shall also decide on a motion for arrest of the accused filed at the same time (Section 128).

§ 166

1) If the accused is already in custody, the indictment shall be served on him within 24 hours at the latest, but if his arrest is ordered on the basis of the indictment, it shall be served on him at the same time as this order.

2) The arrested person shall have a period of 14 days to lodge an objection, which, in the last case referred to in paragraph 1, shall begin to run from the time when the court is notified of the arrest. The objection may be filed with the examining magistrate on the record or in writing.

3) If, at his request, the indictment is served on his defense counsel, the time limit for filing the objection shall run from the date of service on the defense counsel.

4) If the accused remains at liberty, he shall be served with the indictment with the instruction that he may lodge an objection to it orally or in writing with the examining magistrate within 14 days and that he requires a defense counsel for the final hearing.

§ 167

1) If the objection has not been raised within the statutory period or if the accused has expressly waived it, the investigating judge shall submit the files to the presiding judge of the court of first instance, who shall then order the final hearing.

2) In the opposite case, the examining magistrate, after raising the objection, shall send the files to the superior court with simultaneous notification of the prosecutor.

3) The Supreme Court shall decide on the appeal in closed session after hearing the prosecutor.

4) The same procedure shall be followed if the accused appeals against the detention imposed on him by the examining magistrate (section 165(3)); in this case, too, the higher court shall proceed as if an appeal were lodged against the indictment.

§ 168

1) The supreme court shall provisionally dismiss the indictment if it deems this necessary to remedy a formal defect or to better clarify the facts of the case.

2) The prosecutor shall thereupon, within fourteen days, submit his or her motions, if any, to the investigating judge or resubmit an indictment (Section 158(1)).

§ 168a

1) If the supreme court considers that the requirements for discontinuing the proceedings under IIIa. If the higher court considers that the requirements for discontinuing the proceedings under IIIa. main section are met, it shall return the indictment to the investigating judge with the order to proceed in accordance with the provisions of this main section.

2) If the proceedings are not discontinued under sections 22c(1), 22d(5), 22f(4) or 22g(1) in conjunction with section 22b, or if the proceedings are to be instituted or continued subsequently (section 22h), the prosecutor shall re-file the indictment or otherwise file the motions necessary for the continuation or termination of the criminal proceedings.

§ 169

1) If the superior court finds that the indictment is barred by one of the following grounds:

1. that the offense with which the defendant is charged does not constitute a criminal offense within the jurisdiction of the courts;

2. that there was a lack of sufficient grounds to consider the defendant suspicious of the crime;

3. that circumstances exist as a result of which the punishability of the act is annulled or prosecution for the act is excluded; or that the requirements of Section 42 of the Criminal Code are met; or

4. that the application of a person entitled thereto required by law was lacking;

the superior court shall decide that the indictment shall not be admitted and that the proceedings shall be discontinued. In this case, the superior court shall at the same time issue the orders necessary for the release of an arrested defendant.

2) If this pronouncement does not relate to all counts, the superior court shall order that the counts on which it is pronounced shall be omitted from the indictment.

§ 170

If the ground on which the indictment is not admitted also applies to a co-defendant who has not entered a plea, the superior court shall proceed as if such a plea had been entered.

§ 171

1) If none of the cases mentioned in sections 168 to 170 occurs, the supreme court shall decide that the indictment shall be admitted.

2) In this case, a decision shall be taken at the same time on all motions relating to the joinder or severance of several actions and the summoning of witnesses or experts.

§ 172

Decisions under sections 168 to 171 shall be reasoned in such a way as not to prejudice the decision of the court hearing the main action. No appeal shall lie against decisions under sections 168 and 171.

§ 173

1) Insofar as the criminal proceedings are not instituted or are discontinued as a result of the public prosecutor's abstention or motion to discontinue, the private party (§ 32) shall have the right to continue the criminal prosecution instead of the public prosecutor as a subsidiary prosecutor by filing an application for the initiation or continuation of the investigation with the regional court or by filing the indictment (§ 163) within fourteen days of his notification.

2) These subsidiary prosecution rights of the private party shall not apply in all cases in which the court has terminated criminal proceedings within the meaning of Section 42 of the Criminal Code.

3) The higher court shall decide on the admissibility of the initiation or continuation of criminal proceedings on the basis of a subsidiary application by the private party, excluding further legal proceedings.

§ 174

1) The defense counsel as well as the defendant may, irrespective of the right of the

If one or the other party believes that any facts should be raised or that other witnesses and experts should be called in addition to the witnesses and experts requested by the prosecutor for the summons for the final proceedings, it shall file relevant motions with the court within four to ten days of the service of the indictment.

2) The examining magistrate shall complete the investigation file in the necessary manner by subsequent investigations before the final hearing. As a rule, the discussion of the results of such subsequent investigations shall be reserved for the final hearing.

3) If the investigating judge is unable to determine or to proceed in accordance with para. 2, he shall add the relevant oral or written request of the accused or his counsel to the other files for decision at the final hearing.

XIV. Main section

From the final hearing

§ 175

1) The Regional Court shall decide on the felonies and misdemeanors assigned for adjudication pursuant to § 15, para. 2, in a collegiate capacity as a criminal court after a final oral hearing.

2) The basis of the final hearing is the charge brought.

§ 176

1) In individual cases, the criminal court shall be composed of the president as chairman, a district judge and three other criminal judges. In addition, there shall be a court reporter. Further details shall be determined by the division of business.

2) If they are prevented from attending, the substitute judges appointed to represent them shall take their place.

3) The judge entrusted with the investigation may not be a member of the Senate called upon to render a decision.

§ 177

As soon as the indictment has been filed or has become final and, if necessary, the investigation has been supplemented (section 174(2)), the investigating judge shall submit the criminal files to the competent presiding judge for inspection and for the scheduling of the final hearing as quickly as possible.

§ 178

The final hearing shall take place on a weekday before the Court composed in accordance with the above provisions.

§ 179

The prosecutor, the accused, the latter under penalty of default and his defense counsel shall be summoned to the hearing, as well as those witnesses and experts whose examination has been requested by the parties and whom the presiding judge has designated to appear. The private party shall be summoned with the addendum that in the event of his non-appearance the hearing will nevertheless proceed and that his motions will be read from the files.

§ 180

At the request of the prosecutor, the accused or his defense counsel, the presiding judge may, for substantial reasons, grant an adjournment of the final proceedings ordered, but the notification must, whenever possible, be made to the district court in time to be able to order an adjournment of the final hearing.

§ 181

1) The final hearing is public in case of other nullity.

2) Only unarmed persons may participate in a final hearing as participants or listeners. However, persons who are obliged to carry a weapon because of their public service may not be refused attendance for this reason.

3) Minors may be excluded from the final hearing as listeners if their presence could endanger their personal development.

4) Television and radio recordings and transmissions as well as film and photo recordings of court hearings are not permitted.

§ 181a

1) The public may be excluded from a final hearing only on grounds of morality or public order. The Court shall order such exclusion ex officio or at the request of the prosecutor or the defendant, after having held a secret hearing and deliberation. The decision, together with the reasons for it, shall be pronounced in open court.

and to be recorded in the minutes of the hearing. No separate appeal against the decision shall be admissible.

2) Before discussing circumstances relating to the personal life or secrets of the accused, a witness or a third party, and before hearing a witness whose personal details are not disclosed (Section 119a), the Court shall exclude the public ex officio or on application if interests worthy of protection are overridden. For the rest, para. 1 shall apply mutatis mutandis to such a decision.

§ 181b

1) After the public announcement of this decision, all members of the audience must leave.

2) Only victims, private parties, judges, court trainees, public prosecutors and lawyers may never be excluded. Both the defendant and the private party or private prosecutor may demand that three persons of his or her confidence be allowed to enter. § Section 115(2) and (3) shall apply mutatis mutandis.

§ 181c

Insofar as the public has been excluded from a hearing, it shall not be permitted to publish any information arising therefrom. The court may also require the persons present to keep confidential the facts which come to their knowledge as a result of the hearing. This decision shall be recorded in the minutes of the hearing.

§ 181d

The ordering of a secret session on the basis of § 181a may be requested at any moment of the hearing after the matter has been called. The exclusion of the public may take place for a part of the proceedings or for the entire hearing. The pronouncement of the judgment, however, must always take place in public.

§ 182

1) The presiding judge shall preside over the hearing, examine the accused, the witnesses and experts, determine the order in which those who request to speak shall speak, the witnesses and experts shall be examined, the files of the investigation proceedings which he himself or the court deems necessary to be read out shall be read and other evidence shall be presented.

2) The presiding judge and the court shall be authorized, even without a request by the plaintiff or the defendant, to summon and examine witnesses and experts from whom, according to the course of the trial, clarification of material facts can be expected, in the course of the final hearing. In general, they are obliged to promote the investigation of the truth.

§ 183

1) The presiding judge shall be responsible for maintaining peace and order and decorum in the courtroom in keeping with the dignity of the court.

2) Signs of applause or disapproval are prohibited. The chairman is entitled to admonish persons who disturb the meeting by such signs or in any other way and, if necessary, to have individual or all members of the audience removed from the meeting room. If anyone resists, or if the disturbances are repeated, the chairman may impose a fine of up to 1,000 francs on the offenders, provided it is essential to maintain order,

impose a custodial sentence of up to eight days. In the latter case, he may order immediate arrest.

§ 184

1) If the defendant disturbs the order of the hearing by unseemly conduct and does not desist from such conduct despite the warning of the presiding judge that he will be removed from the hearing, he may be removed from the hearing for some time or for the entire duration of the hearing by resolution of the Court, the hearing may be continued in his absence, and the sentence may be pronounced on him by a member of the Court in the presence of the registrar.

2) If the defendant, the private prosecutor, the private party, witnesses or experts utter insults or obviously unfounded and irrelevant accusations against any of the persons heard or against a representative, against the public prosecutor or against a person of the court, or if in general the respect owed to the court is violated by indecent behavior, the Court may, at the request of the offended person or the public prosecutor or ex officio, impose on the offender a fine of up to 1,000 francs, but if it is essential for the maintenance of order, a custodial sentence of up to eight days.

§ 185

If the defender is guilty of such a violation, the same shall be excluded from the

If he continues such improper conduct despite the warning received or the reprimand imposed, the presiding judge may deprive him of the right to speak and in this case, as well as in the case of his failure to appear at the scheduled hearing, also adjourn the hearing at the expense of the guilty representative. If friends of the law intervene as defense counsel, the Court may in such cases also decide to file disciplinary charges against them with the Supreme Court.

§ 186

1) In addition to the presiding judge, the other members of the Court, the prosecutor, the accused and the private party, as well as

their representatives shall be authorized to ask questions of any person t o be questioned after they have been given the floor by the chairman.

2) The chairperson shall reject inadmissible questions; he or she may prohibit questions that otherwise appear inappropriate.

§ 187

1) The final hearing shall begin with the calling of the case by the keeper of the minutes.

2) The accused shall appear unchained if this can be done without danger, but if arrested, under police guard.

§ 188

After the opening of the final hearing, the presiding judge shall ask the prosecutor, the accused and the private party, as well as the judges present, whether any of the latter have grounds for exclusion.

§ 189

The presiding judge shall then ask the defendant for his first name and surname, date of birth, municipality of jurisdiction, religion, status and trade or occupation and place of residence, and shall admonish him to pay attention to the proceedings that will now follow.

§ 190

1) The witnesses and experts summoned are then called and instructed to go to the room designated for them.

2) With regard to the experts, the presiding judge may, in all cases in which he finds it expedient for the investigation of the truth, order that they remain in the courtroom both during the examination of the accused and of the witnesses.

3) The private prosecutor or private party, if he is to be examined as a witness, may be ordered to be removed from the courtroom, without prejudice to his right to be represented at the hearing. The presiding judge shall also order measures, as he deems appropriate, to prevent the witnesses from meeting or discussing matters.

§ 191

Witnesses and experts who fail to appear at the final hearing in spite of the summons issued to them, without proof of an unforeseen and unavoidable impediment, may be ordered by the Court to appear before it and may be fined up to 1,000 francs, possibly with reimbursement of the costs of the impeded final hearing, against which, however, an objection may be lodged by the witness or expert with the court hearing the case within fourteen days after service of the judgment.

§ 192

The chairman shall then read out the indictment if it is otherwise null and void.

§ 193

1) Thereupon the accused shall be questioned by the presiding judge about the contents of the indictment. If the defendant answers the charge by stating that he is not guilty, the presiding judge shall inform him that he is entitled to counter the charge with a coherent statement of the facts and, after each piece of evidence has been presented, to make his comments thereon. If the accused deviates from his earlier statements, he shall be questioned as to the reasons for this deviation. In this case, as well as if the defendant refuses to answer, the presiding judge may have the record of the earlier statements read out in whole or in part.

2) The defendant cannot be held to answer the questions addressed to him.

3) During the final hearing, the accused shall be free to confer with his defense counsel; however, he shall not be permitted to confer with the same regarding the direct answer to the questions put to him.

§ 194

After the accused has been questioned, the evidence shall be presented in the order determined by the presiding judge.

§ 195

1) Witnesses and experts shall be called individually and questioned in the presence of the accused. They shall be admonished to state the truth before being questioned. Experts who have already taken the oath and witnesses who were sworn during the examination shall be reminded of the oath taken.

2) In addition to this, each of them shall be sworn in after answering the general questions and before being further questioned, otherwise they shall be null and void, unless one of the grounds mentioned in § 123, items 1 to 6, is opposed thereto. The oath may be omitted or suspended until after the witnesses have been heard, if the prosecutor and the accused agree thereto.

§ 195a

1) A witness who is unable to appear in court because of age, illness or infirmity or for other significant reasons may be examined using technical equipment for the transmission of words and images.

2) A witness who is unable or unwilling to appear in court because of his or her residence abroad may be examined in the same manner if the competent foreign authority provides legal assistance.

§ 196

1) When hearing witnesses and experts, the presiding judge shall observe the rules laid down for the examining magistrate in the investigation, unless they appear by their nature to be impracticable in the final hearing. He shall see to it that a witness who has not yet been examined is not present at the taking of evidence at all, and that an expert who has not been examined is not present at the examination of other experts on the same subject.

2) Witnesses whose statements differ from each other may be contrasted by the chairman.

3) Witnesses and experts shall remain present at the hearing after their examination as long as the chairman does not dismiss them or order them to leave. The individual witnesses may not question each other about their statements.

4) The defendant must be asked, after hearing each witness, expert or co-defendant, whether he has anything to say in response to the testimony just heard.

§ 197

1) The presiding judge shall have the power, by way of exception, to have the accused leave the courtroom during the hearing of a witness or a co-defendant. However, as soon as he has heard him after his reintroduction on the matter heard in his absence, he must inform him of everything that has been done in his absence, in particular of the statements that have been made in the meantime.

2) If this notification has been omitted, it must be subsequently entered before the conclusion of the evidentiary proceedings, in any case if it is otherwise null and void.

3) When examining witnesses, the presiding judge shall apply section 115a(1), third to fifth sentences, and (2) to (4) mutatis mutandis. In doing so, he shall also give the members of the Court who are not present at the questioning the opportunity to follow the questioning of the witness and to question the witness.

§ 198

Both the accused and the prosecutor may demand that witnesses leave the courtroom after being heard and be called back in later and heard again either alone or in the presence of other witnesses. The presiding judge may also order this ex officio.

§ 198a

1) Court records and other official records of the examination of co-defendants and witnesses, other official documents in which statements of witnesses or co-defendants have been recorded, expert opinions and technical recordings of the examination of witnesses (Section 115a) may be read out or shown only in the following cases if they are otherwise null and void:

1. if the interviewees have died in the meantime;

2. if their whereabouts are unknown or their personal appearance is not possible because of their age, illness or infirmity or because of de-

The applicant is entitled to a refund of the amount of the loan if he or she was unable to work due to a long period of absence or for other significant reasons;

3. if those questioned at the final hearing differ in material respects from the statements they made earlier;

4. if witnesses justifiably refuse to testify (Section 107) and the parties have had an opportunity to participate in a judicial hearing (Sections 115a, 195);

5. if witnesses, without being entitled to do so, or co-defendants refuse to testify;

6. if about the lecture the prosecutor and the accused agree.

2) Evidence and findings, previous criminal convictions of the defendant, as well as deeds and documents of other kinds that are relevant to the case must be read out, unless both parties waive this requirement.

3) After each lecture, the defendant shall be asked if he has anything to say about it.

4) The provisions of subsection 1 may not be circumvented in the event of other nullity.

§ 199

In the course of or at the end of the evidentiary proceedings, the presiding judge shall cause to be presented to the defendant and, to the extent necessary, to the witnesses and experts, those items which may serve to clarify the facts of the case, and shall invite them to declare whether they accept them.

§ 200

1) After the presiding judge has closed the evidentiary proceedings, the prosecutor shall first be given the floor to present and substantiate his criminal complaint.

2) The private party is given the floor first after the prosecutor.

3) The accused and his defense counsel shall have the right to reply. If the public prosecutor, the private prosecutor or the private party finds something to say in response to this, the accused and his defense counsel shall in any case be entitled to make the closing speech.

§ 201

The final hearing, once commenced, shall be adjourned only to the extent deemed necessary by the presiding officer for necessary recuperation. An adjournment shall take place:

a) in the event of the defendant's illness, unless he himself consents, that the hearing be continued in his absence and that his statement made during the investigation be read out;

b) If the court orders the initiation of new investigations or the hearing of a

The court may also order the production of new evidence if it deems it necessary for a witness or expert who has not appeared.

§ 202

1) In the event of any other nullity, minutes shall be taken of the final hearing. The minutes shall contain the names of the members of the court present, of the parties and their representatives, shall record all essential formalities of the proceedings, in particular which witnesses and experts were heard and which documents were read out, whether the witnesses and experts were sworn or not sworn for whatever reason; finally, they shall note all motions of the parties and the decisions made on them by the chairman or the court. The parties are free to demand that individual points be noted in the minutes in order to protect their rights.

2) Where it is necessary to establish the literal wording, the chairman shall, at the request of a party, immediately order the reading or reproduction of individual passages.

3) The answers of the accused and the testimonies of the witnesses or experts shall be mentioned only if they contain deviations from, modifications of, or additions to the information recorded in the case file, or if the witnesses or experts are heard for the first time at the trial.

4) The minutes must be taken during the meeting when announced by the chairman. After completion, the minutes shall be signed by the chairman and the secretary.

§ 203

The deliberations and votes during and at the end of the hearing shall be recorded in cases where the court decides in the form of a resolution.

has withdrawn to the consultation room, to keep a separate record.

§ 204

After the Chairman declares the proceedings closed, the Court retires to the deliberation room to render its judgment.

§ 205

1) When passing judgment, the court shall only take into account what was presented in the final proceedings. Documents in the file may serve as evidence only to the extent that they were read out in the final proceedings.

2) The court shall carefully and conscientiously examine the evidence for its credibility and probative value, both individually and in its internal context. The question of whether a fact is to be accepted as proven shall not be decided by the judges according to legal rules of evidence, but only according to their free conviction gained from the conscientious examination of all evidence presented for and against.

3) In assessing the testimony of a witness who has been permitted under Section 119a not to answer certain questions, it shall be examined in particular whether the court and the parties were given sufficient opportunity to consider the credibility of the witness and the probative value of his testimony.

§ 206

1) The speaker shall be the first to make his closing remarks, and the chairman shall then hold the further inquiry.

2) Each vote must be specified in the minutes of the meeting with the reasons given.

3) The verdict is reached by majority vote.

4) The vote shall be taken by the oldest member of the Court casting his vote first and the Chairman casting his vote last.

5) If, among several opinions, one has half of the votes in its favor, the chairman shall, by joining in the same, give the

Deciding vote. If, however, the chairman has a different opinion, or if no opinion has half of the votes in its favor, the poll shall be repeated and if even then a majority of votes cannot be obtained, the votes most disadvantageous to the accused shall be added to those initially less disadvantageous until an absolute majority of votes is obtained.

6) During the deliberation on the penalty, the members of the Court who have found the accused not guilty of a criminal offense with which he is charged shall be free to cast their vote on the penalty on the basis of the decision taken on the question of guilt or to abstain from voting. In the latter case, their votes shall be counted as if they had voted in favor of the opinion most favorable to the defendant among those expressed by the other voting leaders.

§ 207

The accused shall be acquitted of the charge by judgment of the Court:

1. if it appears that the criminal proceedings have been initiated without the request of a legally entitled prosecutor or have been continued against his or her will;

2. if the prosecutor withdraws from the indictment after the opening of the final hearing and before the Court retires to deliberate and pass a resolution; in particular, it shall be considered a withdrawal if the private prosecutor has not appeared at the final hearing or has failed to make the closing submissions at the same (Section 31 para. 3);

3. if the Court finds that the act on which the indictment is based is not punishable by law, or that the facts of the case have not been established, or that it has not been proven that the accused committed the act with which he is charged, or that circumstances exist by virtue of which criminal liability is waived or prosecution is precluded for reasons other than those stated in items 1 and 2;

4. if the Court finds that the requirements of Section 42 of the Criminal Code are met.

§ 208

1) If the defendant is found guilty, the sentence must pronounce:

1. of which offense the defendant has been found guilty, with an explicit designation of the facts that condition a certain sentence;

2. which criminal act is established by the facts of which the defendant has been found guilty, which have been accepted as proven, with simultaneous pronouncement of whether the criminal act is a felony or a misdemeanor;

3. to what penalty the defendant would be sentenced;

4. which provisions of criminal law were applied to him;

5. the decision on the claims for compensation asserted and on the costs of the proceedings.

2) If the defendant is sentenced to more than one year's imprisonment for intentional and negligent acts, it shall be determined, following the sentence, whether one or more intentional criminal acts are punishable by more than one year's imprisonment.

3) If the finding required by subsection 2 has not been made in the judgment of conviction, it shall be made by order of the sentencing court ex officio or at the request of a person entitled to appeal, even in cases where no appeal has been lodged (section 221(4)). An appeal shall lie from this order, which shall be

If the court of first instance decides that the defendant and the plaintiff are to be served, any person entitled to appeal shall have the right to appeal to the Supreme Court within fourteen days.

§ 209

If the Court considers that the facts on which the indictment is based, either in themselves or in conjunction with the circumstances that only emerge at the final hearing, constitute a criminal act other than the one described in the indictment, it shall, after hearing the parties or deciding on any request for an adjournment, pass judgment in accordance with its legal conviction, without being bound by the description of the act contained in the indictment.

§ 210

1) If, at the final hearing, the defendant is accused of an offense other than that for which he was charged, the Court may, if the same is to be prosecuted ex officio, at the request of the public prosecutor or of the person injured by this offense, but in other cases only at the request of the person entitled to bring a private prosecution, extend the hearing to include these offenses as well. The consent of the accused shall be required only if he would, if convicted of this offense, be subject to a penal law more severe than that which would be applicable to the offense charged in the indictment.

2) If, in such a case, the accused refuses to consent to immediate sentencing or if the same cannot take place because more careful preparation appears necessary, the judgment shall be limited to the subject matter of the indictment and shall reserve to the prosecutor, at his request, independent prosecution for the additional offense, except in which case prosecution for the latter shall no longer take place.

3) According to circumstances, the Court may also, if it does not pass judgment on the added offense immediately, terminate the final hearing and reserve the decision on all criminal offenses charged against the defendant for a new final hearing.

4) In both cases, the prosecutor must file his motions for initiation of legal proceedings within fourteen days.

§ 211

If a criminal judgment is rendered against the defendant, the execution of the-

This is not precluded by the fact that the prosecution for another criminal act is still reserved.

§ 212

1) If the preconditions for conditional release from a custodial sentence as a result of credit for previous imprisonment or a sentence served abroad are already met at the time of the judgment, the court shall by order conditionally release the defendant from the remainder of the sentence, specifying a probationary period, if the other preconditions specified in section 46 of the Criminal Code are also met. In this order, the court shall, if necessary, also issue instructions and order probation assistance (section 50 of the Criminal Code).

2) The provisions of Section XXIII shall apply mutatis mutandis to the decision under subsection 1 and to the proceedings following such conditional dismissal.

§ 213

The Court is bound by the prosecutor's motions only to the extent that it cannot find the accused guilty of an offense to which the indictment was not directed.

§ 214

1) Immediately after the judgment has been rendered, it shall be announced by the presiding judge in open court before the assembled court and in the presence of the parties, with a brief statement of the reasons and with reference to the legal provisions applied, and the defendant shall be informed of the right of appeal to which he is entitled.

2) In the instruction it shall be pointed out that the appeal shall be filed orally in the minutes of the court or by means of a written statement (Section 222). This instruction shall be recorded in the minutes of the hearing.

3) If an incorrect filing deadline has been indicated and it is longer than the statutory deadline, the filing deadline shall be observed during this longer period; if a shorter deadline has been indicated, the statutory filing deadline shall apply; if the instruction on the filing of an appeal is missing at all, the filing deadline could not begin to run.

4) If the instruction did not designate the competent court but another court or office to receive the application, the time limit for filing shall be deemed to have been observed even if the application was submitted to the incorrect office. However, the incorrect office shall forward the filing of the appeal ex officio to the competent court.

5) If the Court finds itself unable to proceed with the rendering and pronouncement of the

If the judgement is to be pronounced after the final hearing, the presiding judge shall announce the day and hour of the pronouncement of the judgement.

§ 215

1) Each judgment must be executed in writing without unnecessary delay after it has been pronounced and signed by the chairman and the court reporter.

2) The judgment copy must contain:

1. the name of the Court and the names of the members of the Court present, as well as the Prosecutor and the private party;

2. the first name, surname and any other name by which the defendant is known; his date of birth, citizenship, place of residence, marital status, profession, trade and occupation; and the name of his counsel;

3. the date of the final hearing and pronouncement of the verdict;

4. the finding of the Court on the question of guilt, and in the case of a criminal judgment, with all the items listed in § 208;

5. the reasons for the decision; these must state in concise form, but in full detail, which facts and on what grounds the Court accepted them as proven or not proven, what considerations guided it in deciding the legal issues and in disposing of the objections raised and, in the case of a conviction, what grounds for aggravation and mitigation it found. In the case of a sentence to a fine calculated in daily rates, the circumstances relevant for the calculation of the daily rate (Section 19 (2) StGB) shall be stated. In the case of an acquittal, the reasons for the decision shall in particular clearly indicate on which of the grounds specified in Section 207 the Court found itself acquitted;

6. the information on the right of appeal. Section 214 (1) to (4) shall apply mutatis mutandis to these.

§ 216

If the defendant is not present for the pronouncement of the judgment, a copy of the judgment shall be served on him.

§ 217

1) If, at the final hearing, it appears with probability that a witness has knowingly given false testimony, the presiding officer may record the testimony of the witness and, after it has been read and approved by the

have the witness signed. He may also have the witness arrested and brought before the examining magistrate.

2) If another criminal act is committed in the courtroom during the final hearing and the perpetrator is entered in the act of committing the act, the court sitting in session may pass judgment on the act immediately upon interruption of the final hearing or at the end of the final hearing at the request of the prosecutor entitled to do so and after hearing the accused and the witnesses present. Appeals against such a judgment shall not have suspensive effect. If a court of a higher order is competent to pass sentence or if immediate sentencing is not possible, the presiding judge shall have the offender brought before the examining magistrate. A separate record shall be made of such proceedings.

3) If the defendant has committed a criminal act during the final hearing, section 210 shall apply.

§ 217a

Decisions outside the final hearing shall be made by the presiding judge, with the exception of decisions under sections 208(3) and 251(1) of this Act and under sections 46, 47, 53, 54 and 55 of the Criminal Code.

XV. Main section

From the remedies

I. From the vocation

§ 218

1) Any judgment rendered by the criminal court may be appealed to the supreme court with suspensive effect, unless the appeal has been waived.

2) The incorrect designation of an appeal is without prejudice if only the correct request is clearly identifiable.

3) For the purpose of appeal, a copy of the judgment, including the reasons for the decision, shall be given to the defendant and the persons representing him, as well as to the private prosecutor or private party, but the original of the judgment or a copy thereof shall be given to the public prosecutor for inspection.

4) In favor of the defendant, the appeal may be filed by the defendant as well as by the defendant's spouse, registered partner, relatives in the ascending and descending line and guardian, and by the

prosecutors, against his will but only in the case of minority, by the

parents and the guardian. As far as the assessment of the asserted grounds for nullity is concerned, the appeal for nullity filed in favor of the defendant by others shall be deemed to have been filed by the defendant himself.

5) To the detriment of the accused, the appeal may be filed only by the public prosecutor or the private prosecutor; by the private party or the subsidiary prosecutor, moreover, with the restriction that the appeal may relate only to the decision on the private-law claims and the costs related thereto.

6) Insofar as the judgment relates to claims under private law and the costs associated therewith, the right of appeal specified in paras. 4 and 5 shall also be available to the heirs of the beneficiary after his or her death.

§ 219

1) In the court of appeal, the criminal case shall be heard and decided anew within the limits of the statement of grounds and motions for appeal, which may be to set aside or modify the judgment, and new facts and evidence may be adduced for this purpose without limitation.

2) An appeal may be filed on the grounds of nullity or defectiveness of the proceedings, on the ruling on guilt (question of proof), on the penalty, on the claims under private law and on the costs of the criminal proceedings. If only the ruling on the costs is contested, only the appeal is admissible.

§ 220

The judgment and the proceedings preceding it may be challenged on the grounds of violation of principles or rules of criminal procedure (pro- cessual grounds for nullity):

1. if the court is not properly constituted (in particular, if the prescribed number of judges is not present, or if a court reporter has not been called, or if members of the court do not possess the necessary qualifications for the office of judge), or if not all judges have attended the entire hearing, or finally, if a judge who has been disqualified or rightfully dismissed has participated in the hearing; however, the parties may

expressly waive the assertion of this ground for invalidity;

2. if, in the case of a necessary defense (Sec. 26 (3)), the final hearing was conducted without the involvement of a defense counsel. This ground for nullity may be

to the detriment of the defendant cannot be asserted;

3. if the court's statement of decisive facts contained in the judgment or in the reasons for the judgment is unclear, incomplete or contradictory to itself, or if no reasons or insufficient reasons are given for this statement as a whole or in part, or if there is a significant contradiction between the information in the reasons for the judgment on the content of documents on file or on court statements and the files or minutes of hearings and sessions themselves;

4. if the Court of Justice has wrongly declared that it has no jurisdiction;

5. if the judgment rendered does not dispose of the indictment or if it does not comply with the provisions of the
§§ 209, 210 and 213 has been exceeded; the indictment shall not be deemed to have been disposed of, in particular, if the judge does not base his decision on an act for which the indictment was brought;

6. if, at the final hearing, a document relating to a preliminary investigation act or investigative act that is null and void under the law was read out despite the fact that the complainant was in custody;

7. if during the final hearing a provision has been violated, the observation of which the law expressly prescribes in case of other nullity;

8. if, during the final hearing, no decision has been reached on a motion of the appellant or if, as a result of an interlocutory decision rendered against the appellant's motion or opposition, laws or principles of the proceedings have been set aside or incorrectly applied, the observation of which is required by the nature of proceedings safeguarding the prosecution and defense;

9. if a final conviction has already been handed down for the same defendant and the same act on which the indictment is based.

§ 221

The judgment and the proceedings preceding it may be challenged on the grounds of misapplication or violation of the Criminal Code or a secondary criminal law (substantive grounds for nullity):

1. if, by pronouncing on the question whether the act with which the accused is charged constitutes a punishable act at all or whether circumstances exist by virtue of which the punishability of the act is excluded or annulled or the prosecution for the same is excluded or annulled or the prosecution for the same is excluded (grounds for guilt or grounds for exclusion of punishment and justification), the prerequisites of § 42 of the Criminal Code are met

or, finally, whether the charge required by law for prosecution is lacking, any law has been violated or incorrectly applied;

2. if the act on which the decision is based has been subject to a criminal law that is not applicable to it, even if one law and the other threaten the same punishment;

3. if the court exceeded its punishment authority, the limits of the statutory sentence, insofar as this is justified by aggravating or mitigating circumstances specified by name in the law, the limits for the assessment of a daily sentence or the limits of the aggravation or extraordinary mitigation of the sentence to which it is entitled, in setting a substitute term of imprisonment against
§ Section 19 (3) of the Criminal Code or by crediting or not crediting a prior detention against

§ Section 38 of the Criminal Code, or if, at the retrial held as a result of an appeal brought solely in favor of the defendant, or in the case of a retrial granted in favor of the defendant, a more severe penalty was imposed on the defendant than that imposed by the judgment appealed against;

4. if the determination required under section 208(2) is missing;

5. if it had been necessary to proceed in accordance with IIIa. main section would have had to be applied.

§ 222

1) Any appeal must be filed with the district court, either orally on the record or in writing, within four days after the judgment is rendered, failing which the right to appeal shall be lost; a

Registration is not required if the absent defendant has been served with the judgment.

2) The time limit for executing the appeal is fourteen days from the date of delivery of the copy of the judgment or from the date of notification of the original or copy of the judgment.

3) For the spouse, registered partner, relatives, guardians and heirs of the convicted person, the running of the above time limits for filing the appeal or its execution shall commence on the same day on which it commenced for the defendant.

4) A late filing or execution of the appeal shall be rejected by the district court.

5) The notice of appeal and, if this is not necessary, the statement of appeal must contain an express statement of appeal or a statement of appeal recognizable by a clear indication, whether against the whole content or against which part, the statement of appeal must also contain a request and grounds of appeal.

6) At the appeal hearing, the motions and grounds of the appeal, with the exception of those relating to invalidity, may not be expanded, nor may new ones be raised.

§ 223

1) During the appeal period and if an appeal has been filed against the judgment, the execution of the judgment, insofar as it is appealed against, shall be suspended.

2) The release of an acquitted defendant may be postponed only on the grounds of an appeal by the public prosecutor, and then only if the appeal is filed immediately upon the pronouncement of the judgment and the circumstances give reason to believe that the defendant will escape from the proceedings.

3) There shall be no right of appeal against release from detention.

4) If the person sentenced to a term of imprisonment only considers himself to be aggrieved by the sentence, he may serve the sentence for the time being.

5) This also applies if the convicted person has not appealed and the prosecutor has appealed only against the sentence.

§ 224

1) The statement of appeal shall be filed either orally on the record of the district court or in writing in two copies; it may repeat the motions and grounds of appeal (objections) and may contain statements of fact and law (Section 222(6)).

2) A copy of the submitted appeal or a copy of the record replacing it shall be delivered to the opposing party for the purpose of filing a possible counterstatement within fourteen days from the date of delivery of the former.

3) If a party has appointed a legal counsel or a defense counsel, the latter shall be allowed to inspect the criminal files with the exclusion of the record of the consultation for the purpose of executing the appeal or a possible counter-execution.

§ 225

1) New facts and evidence shall be stated in the application or appeal, indicating all circumstances relevant to the assessment of their relevance.

or counter-performance, otherwise excluding their assertion in the appeal hearing, so that, if necessary, the presiding judge of the higher court can have them raised himself or, under certain circumstances, by a judge seconded for this purpose, all subject to a subsequently approving resolution of the court.

2) Witnesses and experts who have already been heard at first instance shall be heard again, especially if the higher court finds it necessary because of doubts about the correctness of the findings of fact contained in the judgment at first instance.

§ 226

1) The superior court may, at the discretion of the presiding judge, first consider any appeal in closed session without hearing the parties and immediately dismiss the appeal:

1. if it has been taken by a person who is not entitled to the right of appeal at all or not in the direction in which it is claimed or who has validly waived it;

2. if it has been filed too late or if the appeal application has not been filed expressly or yet in a clearly recognizable manner not

declares the extent to which the judgment is contested, and if the notice of appeal or execution of the appeal does not contain any appellate motions and does not contain any objections, all subject to the reopening of the case.

2) If the appeal is directed only against the decision on the private-law claims, the Supreme Court shall, as a rule, decide on the merits in a closed session.

§ 227

The Supreme Court may grant the appeal in closed session, set aside the judgment in so far as it is contested and refer the case back to the competent court if it becomes apparent before the public hearing of the appeal that the judgment must be set aside and the hearing must be repeated at first instance.

§ 228

1) If a public hearing on the appeal is ordered, the summons shall be sent to the appellant and the respondent at least ten days before the day of the hearing, but to the witnesses and experts in due time because of the assertion of the right of challenge.

2) Both the accused and the prosecutor shall be notified in the summons that in the event of their failure to appear, they will be found guilty in accordance with the law, taking into account the arguments presented in the appeal or in the counter-appeal.

3) If the superior court deems it necessary for the defendant to appear in person at the hearing, he or she may be threatened in the summons with compulsory attendance if he or she fails to appear.

4) The private party shall be notified of the scheduled court date with the remark that he is free to appear at the same.

5) If a defense counsel or representative has been named, a summons shall also be addressed to him or her.

§ 229

1) As a rule, hearings before the Supreme Court are open to the public in accordance with the rules governing proceedings before the court of first instance.

2) It shall begin with a presentation by a member of the Supreme Court, which shall neither contain expert opinions nor motions, but only the facts of the case and the course of the case so far, insofar as it is necessary for the assessment of the objection raised, the essentials of any appeal or counter-appeal submitted and the points in dispute arising therefrom.

3) The part of the decision of the first instance relating to the points on appeal, including the reasons for the decision, shall be read out at any time and, if the presiding judge deems it expedient, also the minutes of the main hearing of the first instance.

§ 230

1) Any witnesses and experts who may have been summoned and the defendant, if he is present in person, shall then be heard, and the rules laid down for the final hearing before the Court of First Instance shall be observed.

2) Then the person who filed the appeal shall be invited to substantiate it and then the opponent shall be invited to reply.

3) In any case, the defendant and his defense counsel are entitled to the right of last statement.

4) Thereupon, the Court shall retire for deliberation and decision.

§ 231

1) The supreme court shall dismiss the appeal if one of the grounds specified in § 226 only becomes apparent at the public hearing. If, on the basis of the new hearing, the higher court is convinced that the proceedings and the judgment of the first instance are in accordance with the law, it shall disallow the appeal.

2) However, the higher court may also set aside the proceedings and the judgment and, depending on the circumstances, refer the criminal case back to the court of first instance for a new hearing and decision or decide on the merits of the case itself after the hearing has been held.

3) If the court of first instance has not accepted the existence of the requirements under IIIa. If the court of first instance has not accepted the existence of the requirements under IIIa. main part, the higher court shall set aside the proceedings and the judgment and remit the criminal case to the court of first instance.

of first instance with the order to proceed in accordance with this main part.

§ 232

1) The appeal taken in favor of the defendant against the pronouncement of guilt also includes the appeal against the sentence.

2) The Supreme Court shall limit itself to the points raised in the appeal and, if necessary, only amend that part of the judgment of the court of first instance against which the appeal is directed.

3) If, on the occasion of an appeal lodged by any person, the higher court is convinced that the criminal law has been incorrectly applied to the detriment of the accused (Section 221), or that the same grounds on which its decision in favor of the accused is based are also available to a co-defendant who has not lodged an appeal or has not lodged an appeal in the direction in question, it shall proceed as if such an appeal had been lodged.

4) However, the judgment, insofar as it concerns the sentence imposed, may never be changed to the disadvantage of the accused on the basis of an appeal taken in favor of the accused.

§ 233

Unless the foregoing provisions provide or permit a deviation, the provisions applicable to proceedings in the first instance by a collegiate body shall apply in addition to the proceedings before the higher court.

II. From the revision

§ 234

The reversal and modification of a judgment rendered by the superior court may,

The court may request the Supreme Court to rule on the validity of the decision, unless a challenge to it is ruled out:

1. pursuant to section 219(2);

2. if the court has violated the provision of the prohibition to amend the judgment to the disadvantage of the defendant (Section 232);

3. if the decision of the higher court appears to be based on a factual premise in an essential point which is in contradiction with the trial records of the first and second instance.

§ 235

1) The decision of the Supreme Court shall be final unless a sentence of imprisonment exceeding one year has been pronounced.

2) Retrieved

3) If the contested judgment is set aside by the higher court and the regional court is ordered to hold a new final hearing, the judgment of the higher court may be contested only if it stipulates that the order given to the regional court is to be executed only after it has become final.

4) Private parties and subsidiary prosecutors have no right of appeal.

§ 236

1) It is not necessary to file a notice of appeal, but the appellant must file a notice of appeal in duplicate with the Regional Court within fourteen days after service of the judgment of the higher court or after notification of the original of the judgment, or declare the appeal on the record before the Regional Court.

2) A copy of the notice of appeal or a copy of the minutes shall be served on the respondent, who may file a response to the appeal in the form specified in para. 1 within the fourteen days following the service.

3) In the notice of appeal, the individual points of appeal shall be stated either expressly or by clear reference and specific requests shall be made; in addition, the notice of appeal may contain factual and legal statements.

4) This provision shall apply mutatis mutandis to the audit response.

5) After delivery of the latter document or after fruitless expiry of the time limit for this

All files of the criminal case in question shall be transferred to the Supreme Court within a specified period of time.

§ 237

1) As a rule, the Supreme Court shall decide on the appeal in closed session and without oral proceedings. However, it may order an oral hearing ex officio or upon request. The amendment of a judgment to the disadvantage of the defendant is only possible on the basis of an oral hearing.

2) It may decide on the merits of the case or, if it considers this necessary in the circumstances, set aside the judgment and refer the criminal case back to the court of first or second instance for a new hearing and decision.

3) As a rule, the Supreme Court shall limit its decision to the grounds for appeal asserted in the appeal.

4) In all other respects, the provisions on appeal shall apply in addition to the appeal proceedings.

III. From the complaint

§ 238

1) All judicial decisions, orders, and decrees that are not judgments may be appealed to the Supreme Court on the grounds of illegality or impropriety, unless there are statutory exceptions.

2) The decisions and orders of the adjudicating court preceding the judgment in the final hearing may be appealed by the defendant only at the same time as the judgment.

3) No further appeal shall lie from decisions of the supreme court which do not uphold an appeal lodged with that court, unless the law provides for an exception.

4) An appeal may be filed to challenge the award of costs only if the judgment is not challenged on other grounds at the same time.

§ 239

1) In investigative proceedings, anyone who considers himself aggrieved by delays on the part of the investigating judge or by an order made during or in the course of the investigation shall have the right to obtain a decision thereon from the Supreme Court.

2) The supreme court shall decide without delay on appeals against the order of arrest, against decisions to impose or continue pre-trial detention, against improper treatment of the arrested person or against the lifting of pre-trial detention or lesser means (complaints of detention). In doing so, it shall, if necessary, also take into account circumstances that have occurred or become known after the contested decision; it may also demand clarifications from the examining magistrate or order additional investigations that can be carried out quickly. Prior to its decision, the higher court shall give the opponent of the appeal the opportunity to comment within a reasonable period of time. This shall not apply insofar as the subject of the appeal is directed to orders the success of which presupposes that they will not become known to the opponent of the appeal prior to their implementation.

3) If the appeal is justified but has become irrelevant in the meantime, the supreme court shall find that the law has been violated or incorrectly applied by the contested order or decision.

4) If the higher court decides that the pre-trial detention is to be revoked and if the relevant circumstances also apply to a co-defendant who has not lodged a complaint, the higher court shall proceed as if such a complaint had been lodged.

5) If the file is submitted because of the filing of an appeal, the course of the proceedings may not be delayed thereby; the investigating judge shall retain copies (photocopies) of those parts of the file that are necessary for the continuation of the proceedings, or submit a duplicate of the file.

§ 240

1) The decisions of the Supreme Court may be appealed to the Supreme Court in the following cases:

1. by the prosecutor and the defendant on the elimination of individual criminal cases from the criminal proceedings to be conducted jointly, on the determination of the bail amount or its forfeiture;

1a. by the accused against decisions rejecting the appeal against the imposition or continuation of pre-trial detention;

2. by the prosecutor against decisions rejecting a request to open an investigation, ordering arrest, imposing or continuing pre-trial detention, or pronouncing discontinuance;

3. of all persons who have been punished by an administrative or penal sanction in accordance with

§§ Sections 52 and 96 (2) shall be affected;

4. in all other cases in which an appeal to the Supreme Court is not excluded and there are no identical decisions pursuant to Section 238(3).

2) Insofar as the Supreme Court decides on an appeal against an order of the Higher Court for the continuation of pre-trial detention (para. 1 subpara. 1a), it shall only rule on the legality of the contested order, but not on the continuation of pre-trial detention; such an order shall not trigger a detention period.

§ 241

1) Appeals may be filed by all persons who are entitled to appeal or who are denied rights or incur obligations as a result of a decision or order.

2) Unless otherwise provided by law (Section 130(5), Section 132a(4)), the time limit for filing an appeal in all cases where the decision takes effect vis-à-vis the parties either by service of a copy or by pronouncement of the decision shall be 14 days from the date of service or oral pronouncement.

3) Retrieved

4) Resolutions and orders which have not been served or pronounced may be appealed at any time as long as they are not irrelevant and the consequences of the resolution or order can still be reversed.

5) This is especially true for the examination procedure.

§ 242

1) Unless otherwise provided by law, an appeal shall not have suspensive effect. However, the chairman of the appellate court may, ex officio or upon a motion to that effect, if there are circumstances that justify a postponement of the

effect appears justified, postpone the same. No further appeal shall lie against this decision.

2) In the investigative proceedings, if the investigating judge considers a complaint to be well-founded, the request for appeal may be granted by the investigating judge, in which case the complaint shall lapse.

§ 243

1) The court of appeal shall decide without prior oral proceedings

by order, which shall be served on the appellant.

2) The appellate court shall reject appeals that have been filed late or that have been filed by a person who is not entitled to file an appeal. In all other respects, however, it shall review the decision or order appealed against and the preceding proceedings within the limits set by the appellant's statement, the application for appeal and the grounds of appeal.

3) If the nullity or other grounds for appeal do not already result from the files, the court of appeal or the chairman of the senate may either conduct the investigations that appear necessary or arrange for them to be conducted. These investigations may in particular consist in requesting written statements from one or both parties or in hearing the complainant or his opponent. Prior to its decision, the parties shall be given the opportunity to comment in accordance with Section 239(2).

4) The court of appeal may either set aside the decision or order and decide on the matter itself or refer the matter back to the lower court.

5) In deciding on a complaint brought for the benefit of the accused, the orders or decisions against which the complaint is brought may never be amended to the disadvantage of the accused. In other respects, however, the appellate court shall be entitled to order the removal of any defects in the proceedings that have occurred to the benefit of the accused even if the appeal against them could not be taken or was not taken.

§ 244

The provisions on appeal and revision shall apply mutatis mutandis to the appeal, unless otherwise provided for in the foregoing.

XVI. Main section

From the execution of the judgments

§ 245

Any defendant acquitted by the verdict shall, if he was under arrest, be set at liberty as soon as the verdict is pronounced, unless the immediate appeal of the public prosecutor or other legal grounds necessitated his further detention.

§ 246

Unless otherwise provided, any legal effect of a criminal judgment shall commence upon its becoming final.

§ 247

1) Every final sentence passed against a member of the clergy for a crime, together with the reasons for the sentence, shall be provisionally announced by the court to the bishop or ecclesiastical head in whose parish the convicted person belongs, so that a decision may be taken on the removal from clerical dignity before the sentence is carried out.

2) If this order is not issued within thirty days, the judgment shall be enforced immediately.

§ 248

1) Criminal judgments against persons holding a public office shall be enforced without further ado after they have become final, but a copy thereof together with the reasons for the decision shall be forwarded to the government.

2) The same shall apply in cases where a conviction results in the loss of nobility, public titles or offices, awards, academic degrees or other rights on the basis of special statutory provisions.

§ 249

1) If the convicted person fails to pay a fine imposed on him or her immediately after it has become final, he or she shall be requested in writing to pay the fine within four to ten days, failing which it shall be collected by force. The same shall apply to forfeiture under section 20(3) of the Criminal Code.

2) Fines shall be collected in accordance with the provisions of the Code of Execution.

3) Substitute custodial sentences shall be executed in the same way as other custodial sentences. However, the sentence shall not be executed if the offender pays the outstanding fine or proves by an unobjectionable document that it has been paid. This must be pointed out in the order imposing the sentence and in the summons to commence the sentence.

4) Paragraphs 1 to 3 apply mutatis mutandis to fines.

§ 250

1) If the immediate payment of a fine or a monetary amount under

§ 20 of the German Criminal Code (StGB) would be unreasonably harsh for the debtor, the chairman shall, upon request, grant a reasonable postponement by resolution.

2) However, the deferral may

1. in the case of payment of the entire sentence or the entire amount of the fine under Section 20 of the Criminal Code at once, or in the case of payment of a sentence not exceeding 180 daily sentences in installments, be no longer than one year,

2. in case of payment of a penalty exceeding 180 but not 360 daily sentences in installments not exceeding two years,

2a. in the case of payment of a penalty exceeding 360 daily sentences in installments not exceeding three years, and

3. in the case of payment of a fine not calculated in daily rates or of a fine pursuant to Section 20 of the Criminal Code in installments, not longer than five years.

3) The period of deferment granted shall not include periods during which the debtor has been stopped by order of the authorities. If the debtor makes payments to indemnify or compensate a person injured by the criminal act, this shall be taken into account appropriately when deciding on a request for deferment. With regard to compensation payments made within the time limit for payment of the fine or the amount of the fine pursuant to Section 20 of the Criminal Code

period granted, the deferral may be extended appropriately, but by no more than one additional year.

4) The payment of a fine or a sum of money under section 20 of the Criminal Code in installments may be permitted only on condition that all outstanding installments become due immediately if the person liable to pay is in arrears with at least two installments.

5) The debtor and the prosecutor shall have the right to appeal against the decision of the presiding judge to the Supreme Court, against whose decision further appeal shall be excluded.

6) Paragraphs 1 to 5 apply mutatis mutandis to the payment of fines, with the proviso that their payment in installments may not exceed one year.

§ 251

1) The court that found in the first instance shall decide on the subsequent mitigation of the sentence, the reassessment of the daily sentence and the amendment of the decision on the forfeiture, the extended forfeiture (Section 31a of the Criminal Code) or on the prohibition of activity (Section 220 paras. 3 and 4 of the Criminal Code) by means of an order upon application or ex officio after having ascertained the circumstances relevant for the decision.

2) The convicted person and the prosecutor shall be entitled to appeal to the higher court against the decision under subsection 1. No further legal action shall be taken.

3) If the purpose of the decision under subsection 1 could otherwise be frustrated in whole or in part, the court shall temporarily suspend or interrupt the execution of the sentence, forfeiture or extended forfeiture until its decision becomes final, unless it has received an application that is obviously futile.

§ 252

The Aliens and Passport Office must be informed immediately of the conviction of a person who is not a citizen of Liechtenstein.

§ 253

1) If forfeiture, extended forfeiture, confiscation or confiscation of assets or property has been pronounced and

If they are not already in the custody of the court, the convicted person or the person liable (section 30c) shall be requested in writing by the criminal court to deposit them within fourteen days or to transfer the power of disposal to the court, failing which compulsory proceedings shall be taken. If the person entitled to dispose of the property does not comply with this demand, the objects and assets shall be seized from him by way of execution.

2) Retrieved

3) After informing the Government, the court shall hand over forfeited or confiscated objects which are of interest in scientific or historical terms or for teaching, experimental, research or other specialist activities to the state institutions and collections existing for this purpose in Liechtenstein. Objects which can be used directly to cover the material expenses of the judiciary shall be used for this purpose, but other objects shall be disposed of in accordance with the provisions laid down in the execution proceedings. Objects which can neither be sold nor used shall be destroyed.

§ 253a

1) In the case of crimes committed abroad, the government may enter into an agreement with the state in which the crime was committed on the division of forfeited or confiscated assets and, in particular, include in this agreement conditions on the use of the assets.

2) The government is responsible for enforcement.

§ 254

The presiding judge of the court which rendered the judgment at first instance shall decide by order on the crediting of time spent by the convicted person in pre-trial detention after the judgment at first instance has been rendered (Section 38 of the Criminal Code). The convicted person and the prosecutor shall have the right to appeal against this decision to the higher court within fourteen days, against whose decision further legal action shall be excluded.

§ 255

Upon the death of the convicted person, the obligation to pay fines expires insofar as they have not yet been executed. This applies in substance to fines and compensation for forfeiture.

§ 256

1) Only the Reigning Prince is entitled to mitigation or leniency of the punishment not provided for in the law. The relevant petitions are to be forwarded by the regional court, together with the files and an expert opinion, to the higher court, which may immediately reject the petition if it is found to be unfounded, but otherwise must submit it to the Reigning Prince together with its own expert opinion.

2) As a rule, applications for clemency do not suspend the execution of the sentence. Only if an application for clemency is filed before the sentence is passed and is justified by circumstances worthy of consideration that occurred after the sentence was passed may the execution of the sentence be suspended if the application for clemency would otherwise be thwarted in whole or in part. When considering applications for clemency, the court must always take into account the suspension of the execution of the sentence.

3) Immediately after a judgment has been rendered sentencing a juvenile who has not yet reached the age of eighteen to a penalty, the court shall examine ex officio whether the convicted person is to be proposed for pardon.

4) This examination of the question of pardon shall be certified in the record.

5) If there are special reasons that make the convicted person appear worthy of pardon, the court shall also make a specific application for the extent of the leniency to be granted or for commutation of the sentence. The files shall be submitted to the higher court after the judgment has become final.

6) The district court may also, ex officio, request that juveniles who have not reached the age of twenty at the time of sentencing,

the remainder of a sentence of imprisonment which has been served for the greater part of the time, if they have given convincing proof of their recovery during the term of imprisonment.

XVII. Main section

From the findings and orders of the criminal court regarding pri- vate claims.

§ 257

1) The damage resulting from the criminal act and other important circumstances with regard to the consequences under private law shall be taken into account ex officio. If it is doubtful whether the injured party is aware of the criminal proceedings taking place, he shall be notified thereof so that he may exercise his right to join the criminal proceedings.

2) In the case of affiliation, it shall be left to the private party or, if he is not entitled to represent himself, to his legal representative to execute and sufficiently present his claims. The defendant shall be questioned on the matter and the investigations necessary to ascertain the damage shall be carried out. The private party may abandon the prosecution of his claims at any time, even during the final hearing.

§ 258

1) If the defendant is not convicted, the private party may at any time refer his claims for compensation to the civil courts.

2) If the defendant is convicted, the court must, as a rule, at the same time rule on the private-law claims of the injured party. If the criminal court considers that the results of the criminal proceedings are not sufficient to enable it to rule reliably on the claims for compensation on the basis of the same, it shall refer the private party to civil proceedings. There is no right of appeal against this referral.

§ 259

1) If a thing, which the court is convinced belongs to the private party, has been found among the belongings of the accused, a co-defendant or a participant in the criminal act, or in such a place where it has been placed or given by these persons only for safekeeping, the court shall order that the restitution be effected after the private party has been informed.

the judgment has become final. However, with the express consent of the defendant, the delivery may also take place immediately.

2) This restitution of the objects seized from the injured person may also be made by the investigating judge before the final hearing, if their safekeeping is not necessary for the referral of the accused.

The prosecution must be informed of the necessity of the incrimination of the accused, a co-accused or a participant and if the accused and the public prosecutor agree to it.

§ 260

If the seized property has already fallen into the hands of a third party who did not participate in the criminal act, in a manner valid for the transfer of ownership or as a pledge, or if the ownership of the seized property is disputed among several aggrieved parties, or if the aggrieved party is unable to prove his right to the same extent, the request for restitution of the property shall be referred to the ordinary civil law procedure.

§ 261

1) If the property seized from the injured party can no longer be restituted, as well as in all cases where it is not a matter of restitution of a seized object, but of compensation for damage suffered or lost profit, or of repayment of an insult caused, indemnification or satisfaction shall be awarded in the criminal judgment, insofar as both the amount thereof and the person to whom the same is due can be determined with reliability.

2) If the investigations carried out give reason to assume that the injured party has overstated the damage, the court may, after considering all the circumstances, reduce the damage, if necessary after an estimate has been made by experts.

§ 262

1) If the guilt of the accused results in the total or partial invalidity of a legal transaction or legal relationship entered into with him, the criminal judgment shall also state this and the legal consequences resulting therefrom.

2) However, the legally effective pronouncement that a marriage or registered partnership is invalid is always reserved for the civil courts. The criminal court can only judge the invalidity of a marriage or registered partnership as a preliminary question (§ 5).

§ 263

The private party shall be free to take civil action if it does not wish to be satisfied with the compensation awarded to it by the criminal court.

§ 264

Execution can be carried out on the basis of the final criminal court decision on the private-law claims.

§ 264a

1) If the private party has been legally awarded compensation for death, bodily injury or damage to health or for damage to property, the state may grant the private party or his heirs an advance on the amount of compensation in accordance with the following provisions. The award of compensation in a criminal judgment shall be equivalent to the obtaining by the injured party of another execution title enforceable in the country against the convicted person for the criminal act forming the subject of the conviction.

2) An advance payment may be made only at the request of the person entitled to it and only to the extent that it is evident that the prompt payment of the amount of compensation or a corresponding part thereof will be prevented exclusively or predominantly by the fact that the person convicted is subject to a custodial sentence or a monetary penalty pronounced in the same proceedings.

3) The prevention of the prompt payment of compensation within the meaning of subsection 2 shall be assumed without further ado if the convicted person pays the fine imposed on him, but does not pay it to the injured party or his heirs, even in installments, or if he otherwise pays the fine, which cannot be expected to be paid even by way of execution.

4) An advance payment may not be granted to individual successors in title to whom the right to compensation has passed by operation of law. Art. 22 paras. 1 and 2 of the Victim Assistance Act apply mutatis mutandis.

5) The granting of an advance payment is excluded if the applicant can obviously be expected to accept the frustration in view of his income and financial circumstances, of the maintenance obligations incumbent on him by law and of his other personal circumstances. An advance payment may be

The advance payment shall not be granted if the claimant is entitled to corresponding benefits from a third party and the pursuit of this claim is reasonable and not obviously hopeless. The advance payment may not exceed the

The amount of the payment shall not exceed the amount that could have been paid by the convicted person within one year if the sentence had not been served (para. 2).

6) The granting of an advance is also excluded,

1. insofar as a claim under the Victim Assistance Act is given;

2. to the extent that the claim extends to benefits that would not be payable if claims under the Victim Assistance Act existed.

7) Advances on claims for damage to property shall be granted only to the extent of the actual indemnification (Section 1323 of the General Civil Code).

8) The court shall decide on applications for advances by way of an order. The order may specify that the advance is to be paid in instalments within one year. The order shall be served on the applicant and the convicted person. The public prosecutor's office and the applicant shall have the right to appeal to the Supreme Court within fourteen days from the date of notification. As soon as the order granting an advance payment has become final, the court shall request the National Treasury to pay it, if necessary in accordance with the order made in this respect.

9) Insofar as the Land has made an advance payment, the claims of the claimant shall pass to the Land by operation of law. The last sentence of Section 1395 and the first sentence of Section 1396 of the General Civil Code shall apply mutatis mutandis to the validity of this transfer of claims against the convicted person. As soon as the claims have passed to the Land, the convicted person shall make payments to the Land Treasury up to the amount of the advance granted.

10) If the convicted person does not make any payments (para. 9), the State Treasury shall compulsorily collect the debt. If immediate compulsory collection would obviously be futile in view of the execution of the sentence, it may be postponed until after its completion.

§ 264b

If, in the case of a forfeiture under section 20 of the Criminal Code or an extended forfeiture under section 20b of the Criminal Code, compensation has been legally awarded to the private party but has not yet been paid, the private party shall, without prejudice to section 264a, have the right to demand that his claims be satisfied from the property value collected by the state.

§ 265

The amendment of the final criminal court decision on private-law claims on account of newly discovered evidence, as well as the suspension of its execution on account of a subsequent circumstance of the offense, may, except in the case of a resumption of the criminal proceedings for other reasons, be applied for by the convicted person and his legal successors only before the civil judge.

§ 266

If, according to all appearances, property of a third party is found on the premises of the accused, the owner of which he is unable or unwilling to state, and if no one has come forward with a claim of ownership within a reasonable period of time, the examining magistrate shall formulate the description of such property in such a way that it can be recognized by the owner, but that some essential distinguishing marks are concealed in order to reserve the designation of the same to the owner as proof of his right.

§ 267

Such a description shall be made public by edict at those places where the accused has stayed or where the criminal acts with which he is charged have been committed. In this edict the owner shall be requested to come forward within one year from the date of the edict and prove his right of ownership.

§ 268

If the foreign property is of such a nature that it cannot be stored for one year without the risk of spoilage or other rapid loss of value, or if storage would entail costs, it shall be sold by public auction. In the cases provided for in Art. 189 of the Execution Code, a sale by private contract shall also be permissible. The purchase price shall be deposited with the court. At the same time

attach to the files an accurate description of each item sold, indicating the buyer and the purchase price.

§ 269

1) If within the edict period no one demonstrates his right to the described objects, they shall be delivered to the defendant at his request, or their proceeds, if they were sold for urgency, unless it is pronounced by a decision of the superior court that the legitimacy of the defendant's possession is not credible.

2) There is no right of appeal against these decisions.

§ 270

Objects which are not handed over to the defendant shall be transferred to the The State Treasury shall be entitled to sell the property in the manner prescribed by § 268, and the purchase price shall be paid to the State Treasury. However, the beneficiary shall be free to assert his claims to the purchase price against the State Treasury within thirty years from the date of the edict by way of civil law.

XVIII. Main section

From the reopening of criminal proceedings and reinstatement against the expiry of time limits

I. Resumption of the proceedings

§ 271

1) If the criminal proceedings against a certain person have been terminated by discontinuance, dismissal of the indictment or withdrawal of the indictment before the final hearing, the application of the public prosecutor or private prosecutor for a resumption of the criminal proceedings may only be granted if the punishability of the act has not yet expired due to the statute of limitations and if new evidence is produced which appears suitable to justify the punishment of the accused.

2) The private prosecutor who has withdrawn his complaint can never be granted the resumption of the criminal proceedings.

§ 272

A person convicted by a final judgment may request a retrial even after the sentence has been served:

1. if it is shown that his conviction was induced by forgery of a document or by false testimony or bribery or other criminal act of a third person;

2. if he introduces new facts or evidence which, alone or in conjunction with the evidence previously obtained, appear to justify the acquittal of the accused or the conviction for an offense covered by a more lenient penal law, or if

3. two or more persons have been convicted of the same act by different findings, and when comparing these findings and the facts on which they are based, it is necessary to assume the innocence of one or more of these persons.

§ 273

The public prosecutor may request the reopening of criminal proceedings in order to have an act for which the accused has been convicted judged under a stricter penal law only under the conditions mentioned in § 274 and, moreover, only if the act really committed

1. is punishable by a term of imprisonment of not less than ten years, while the defendant was convicted only of an offense punishable by a term of imprisonment of not more than ten years, or

2. is punishable by more than five years' imprisonment, while the defendant was convicted of only one misdemeanor; or

3. constitutes a felony, while the defendant was convicted only of a misdemeanor or infraction punishable by imprisonment for not more than one year.

§ 274

For an act in respect of which the defendant has been acquitted by a final judgment, the public prosecutor may request the reopening of the case only insofar as the criminal liability for the act has not yet been extinguished by the statute of limitations and as either

1. the knowledge was obtained by falsification of a document or by false testimony, bribery or any other criminal act by the accused or a third person, or

2. the accused subsequently confesses, in court or out of court, to the crime attributed to him, or other new facts or evidence emerge which, alone or in conjunction with the evidence previously obtained, appear suitable to establish the conviction of the accused.

§ 275

An application for a retrial shall be filed with the Regional Court. The examining magistrate shall make the necessary inquiries into the facts on which the application is based and submit them to the higher court for a decision on the admissibility of the reopening, which shall decide on them without further legal action.

§ 276

In favor of the defendant, a motion for reopening may be filed by the defendant himself, and further, even after his death, by any person who

would be entitled to appeal in its favor.

§ 277

1) The decision ordering the reopening of the criminal proceedings shall declare the earlier judgment null and void insofar as it relates to the criminal act in respect of which the reopening was ordered. The legal consequences of the sentence pronounced in the first judgment shall continue for the time being and shall be regarded as annulled only if and insofar as they do not also have to occur by virtue of the new judgment.

2) The enforcement of the decision on the pri- vate claims contained in the previous judgment shall be admissible during the period of the resumed proceedings only up to the time of securing.

§ 278

1) As a rule (§ 279), the case shall be reopened as a result of the investigation. The investigation shall be conducted and supplemented in accordance with the decision ordering the reopening and the new evidence. The provisions applicable with respect to the discontinuance of the investigation and the filing of the indictment shall also apply here. If, as a result of this, the proceedings are discontinued without a final decision being taken

If the trial is terminated, the accused shall have the right to demand public announcement of the dismissal or of the decision by which the charge was finally dismissed (Section 173). These decisions shall have the same effect as the findings by which the accused is acquitted.

2) If a new final hearing is held, the private party shall also be informed thereof; a new judgment shall be rendered after the evidence has been taken.

3) If the defendant is convicted by this finding, the sentence already suffered shall be taken into account in determining the sentence.

4) If the reopening is only in favor of the defendant, the new judgment cannot impose on him a more severe penalty than that imposed on him by the first finding.

5) The appeal against the new finding is open as against any other judgment.

§ 279

The superior court may, if it declares the reopening of the criminal proceedings admissible in favor of the defendant, immediately render a judgment acquitting the defendant or granting his motion for the application of a lighter sentence.

§ 280

1) A convicted person's request for a retrial shall not suspend the execution of the sentence; unless the superior court deems the suspension of the execution of the sentence appropriate under the circumstances of the case.

2) If the admissibility of the reopening is pronounced, the execution of the sentence shall be suspended immediately (section 277) and a decision shall be made on the detention of the accused in accordance with the provisions contained in Part XI.

§ 281

The criminal proceedings may be initiated or continued by the district court in accordance with the general provisions, irrespective of the conditions and formalities of the retrial:

1. if the investigation (Section 41) or the inquiry (Section 283) has been discontinued before a particular person has been acted upon as an accused or judicially as a suspect;

2. if the private prosecutor who is still entitled to bring an action brings the same action, while in the earlier proceedings the discontinuation or an acquittal judgment was rendered only due to the lack of the motion of a party required by law;

3. if the public prosecutor, when withdrawing from the prosecution pursuant to section 21 para. 2 or when making a declaration pursuant to section 67 para. 4, and not more than three months have elapsed since the final termination of the domestic criminal proceedings or not more than one year have elapsed since the final termination of the foreign criminal proceedings; if, at the termination of the criminal proceedings for a felony or misdemeanor, the prosecutor has been reserved the right to prosecute for other criminal acts (section 210(2)) or if grounds for suspicion of another previously committed criminal act have only subsequently arisen;

4. if the act constituting a crime has been treated by the single judge, by misapplication of the law, as a misdemeanor punishable by not more than six months' imprisonment or as a misdemeanor (Section 317), provided that not more than twelve months have elapsed since the decision of the single judge.

II. Restoration against the expiry of deadlines

§ 282

1) The defendant may be reinstated in the case of failure to observe the time limit for filing or executing a legal action, provided that the defendant:

1. proves that unforeseeable or unavoidable events made it impossible for him/her to meet the deadline or to perform the procedural act, unless he/she or his/her representative is guilty of an error of not merely minor degree;

2. has requested reinstatement within fourteen days after the suspension has ceased, and

3. the application or execution of the appeal at the same time.

2) The request shall be submitted to the district court, which shall examine the files, if necessary after the clarification of the reopening.

The Supreme Court shall decide on the request for reinstatement by submitting it to the Supreme Court for a decision. If, however, the application for reinstatement relates to a failure to comply with a time limit which has already led to a decision of the Supreme Court to reject the application, the Supreme Court shall be competent to decide on the application for reinstatement instead of the Higher Court.

3) The request shall not suspend enforcement until reinstatement has been granted, unless the court to which it is made deems it appropriate under the circumstances of the case to order a stay of enforcement.

4) No appeal shall lie against the granting of reinstatement.

5) If reinstatement is granted against failure to observe the time limit for filing an appeal, the time limit for filing the appeal shall run from the day of service of the decision granting reinstatement.

XIX. Main section

Proceedings against unknown, absent and fugitive persons

§ 283

If the perpetrator of a felony or misdemeanor is not known or cannot be brought to justice, the investigation of the nature of the offense must be conducted with due diligence and accuracy. The

In such cases, proceedings are to be discontinued only when there are no longer any grounds for further investigations, until the perpetrator is discovered or located in the future.

§ 284

If an absent person, of whom it is not probable, however, that he has become a fugitive, appears accused of a felony or misdemeanor and the conditions for an arrest warrant pursuant to § 127 are not present, only the investigation of his whereabouts shall be initiated and only if, after his investigation, he does not appear in response to the summons issued to him, shall a summons be issued against him or, according to the nature of the circumstances, the measures specified in the following paragraphs shall be applied against him.

§ 285

If it can be assumed from the circumstances that the accused has absconded, or if an absent person is accused of a felony or misdemeanor under circumstances that would justify his arrest pursuant to § 127, the authorities charged with investigating and prosecuting the felonies and misdemeanors shall make use of house searches, letters of request to other authorities in whose area he is likely to be found, judicial prosecution, or letters of arrest, depending on the circumstances, in order to obtain the accused's custody.

§ 286

Subject to the conditions set out in sections 103(1)(1) to (3), the court may also order the interception of electronic communications in proceedings relating to a criminal offence committed intentionally and punishable by more than one year's imprisonment if it is to be expected that the interception will enable the whereabouts of the absconding or absent defendant to be ascertained. § Section 103(2) and (3) and section 104 shall apply mutatis mutandis.

§ 287

If it is hoped to reach an accused who has escaped by means of pursuit, the examining magistrate and, in urgent cases, the state police are obliged to have him pursued by persons appointed for this purpose.

§ 288

1) A wanted poster may only be issued against fugitives and against suspects whose whereabouts are unknown if they appear to be urgently suspected of a felony or a misdemeanor committed intentionally and punishable by more than one year's imprisonment. The court is the only authority that can issue wanted posters.

2) A wanted poster shall also be issued if a person arrested for one of the offences referred to in subsection 1 escapes from a pre-trial or penal detention facility.

3) No warrant may be issued against persons accused only of criminal acts other than those referred to in subsection 1; however, if it is very important for them to be caught, the authorities may issue a warrant for their arrest.

Description of their persons shall be communicated with the request to notify the criminal court in cases of finding.

§ 289

1) Each wanted poster shall specify the criminal act of which the accused is suspected, describe his person as precisely as possible and enclose the request for his provisional arrest and committal. The wanted posters shall be disseminated and, in particular, communicated as soon as possible to the regional police and supervisory bodies of the area. If necessary, the notices shall also be published in the public gazettes, possibly with a picture of the accused.

2) As with the wanted posters, the description and announcement of stolen or robbed objects, of objects of a perpetrated fraud or of an undertaken criminal act against the security of the traffic with money, securities and tokens is to be proceeded against. The description shall be made public in particular if the objects are of great value or are of such a nature that it is hoped that their disclosure will lead to the discovery of the perpetrator himself or prevent further damage or provide compensation to the injured party. Everyone is obliged to report immediately to the national police or the public prosecutor's office what he learns of the described objects.

§ 290

As soon as the reasons that prompted the profile or description cease to exist, the revocation must be initiated immediately.

§ 291

An absent or absconding defendant who declares his willingness to appear before the court against safe conduct may be granted such conduct by the court, after obtaining the opinion of the public prosecutor, if necessary against safe conduct, with the effect that the defendant shall be released from custody until the judgment is rendered in the first instance.

§ 292

The safe conduct shall have effect only in relation to the criminal act in respect of which it is granted. It loses its effect if the accused fails to respond to a summons issued to him without sufficient justification, if he makes an attempt to flee, if he evades the continuation of the investigation by fleeing or by concealing his whereabouts, or if he fails to comply with one of the conditions under which he was granted safe conduct.

§ 293

1) If, at the end of the investigation, the prosecutor brings an indictment for a felony or misdemeanor against an accused whose whereabouts are unknown or not in the Principality of Liechtenstein, the indictment shall be served on the defense counsel to be appointed for this purpose. In all other respects, the provisions of Section XIII shall apply.

2) The final transfer of the defendant to the indictment shall be published in the form of a warrant if the crime is a felony and the defendant is either in an unknown place or in a place in a state with which there is no extradition treaty.

§ 294

Criminal proceedings against those who cannot be served with a summons to the final hearing shall be held in abeyance until they are entered.

§ 295

1) If the accused has not appeared at the final hearing, unless otherwise provided for in this Act (Section 327), the hearing may be held and the judgment rendered in his absence, failing which it shall be null and void, only if the offense with which he is charged falls within the jurisdiction of the single judge (Section 15 para. 3) or of the criminal court in respect of the offences referred to in section 15(2)(2) or in respect of the crimes of money laundering (section 165(4) of the Criminal Code), and also if the accused has already been heard in the investigation and the summons to the final hearing has still been served on him personally.

2) In this case, at the final hearing, the responsibility given by the defendant in the investigation shall be read out and he/she shall be

shall be served with a copy of the judgment. If this is not possible due to his absence, the judgment shall be served in accordance with Art. 8 (2) ZustG.

§ 296

1) If, however, the final hearing cannot be held or continued in the absence of the accused because the above-mentioned conditions have not been met or because the Court considers that a completely reassuring clarification of the facts cannot be expected in the absence of the accused, the accused shall be brought before the Court.

2) If it is not possible to bring the accused before the court, the criminal proceedings shall be suspended until the accused enters the court.

§ 297

1) The defendant may appeal against the judgment rendered in absentia to the Regional Court within fourteen days of service of the judgment rendered in absentia. The appeal may also be lodged within this period (Section 222(1)).

2) The objection shall be sustained if it is proved that the defendant was prevented from appearing at the final hearing by an irrefutable obstacle. In this case, a new final hearing shall be ordered. If the defendant fails to appear at this new hearing, the judgment contested by the objection shall be considered final as against him.

§ 298

1) The higher court shall decide on the objection in closed session. If it rejects the objection, the defendant has no further right of appeal.

2) If the convicted person has also appealed against the judgment (section 218) or if an appeal has been lodged by another party, the higher court shall first decide on the appeal and only if it is rejected shall it proceed to consider the appeal. The general provisions (Sections 234 et seq.) shall apply to appeals against the decision on appeal.

§ 299

The non-appearance of a defendant shall not delay the proceedings against the co-defendants present. If, in such cases, objects that may serve to transfer the defendant are handed over to the owner of the

If the evidence is returned to the court, the court may impose the obligation to return the evidence upon request. At the same time, a detailed description of the returned items shall be placed on file.

XX. Main section

From the costs of criminal proceedings

§ 300

1) The fees to be paid for submissions, hearings, inspections, hearings, judgments, decisions, etc., in addition to the court costs, shall be determined by statute.

2) Wherever the following provisions refer to the reimbursement of costs, they shall also apply mutatis mutandis to the payment of fees.

§ 301

1) The costs for which the defendant may be reimbursed include the following:

1. the expenses for deliveries, summonses and errands;

2. the costs of bringing and transporting the accused and other persons;

3. the fees of witnesses and experts;

4. the fees of defense counsel and other party representatives;

5. the cost of the accused's meals during pre-trial detention;

6. the travel expenses and the allowances of the court persons and the public prosecutor;

7. the costs of enforcing a criminal judgment.

2) The fees specified under items 1 to 3 and 5 to 7 as well as the fees of the counsel for the defence assigned to the accused shall be advanced by the State Treasury.

§ 302

1) The fees of experts, court persons, etc., shall be determined by the court, unless the rates are regulated by special provisions.

2) Retrieved

3) Retrieved

§ 303

1) Witnesses who live on a day's or week's wages and who therefore do not have a

If a witness is deprived of even a few hours' earnings, the court examining him shall, upon his request, not only indemnify him for the necessary expenses of the journey there and back, but also compensate him for the loss of earnings and for the higher expenses of the stay at the place of examination, if necessary, with due regard to all the circumstances. Other witnesses may, upon their request, be granted an appropriate reimbursement of the necessary expenses for the journey and for the stay at the place of examination only if the place of their examination is different from their usual place of residence.

2) The private prosecutor is not entitled to witness fees; other businessmen are only entitled to them if they are summoned to be examined as witnesses.

§ 304

The costs of food for the accused during pre-trial detention and for the convicted person in penal detention shall include the expenses for food, storage, heating, light, any necessary procurement and cleaning of linen and clothing, and any costs of illness and childbirth.

§ 305

1) If the defendant is found guilty of a criminal offense by a criminal judgment, the judgment shall at the same time state that he must also pay the costs of the criminal proceedings.

2) However, if the proceedings related to several criminal acts, the court shall, as far as possible, exclude from the compensation the costs of those acts of which the defendant is not found guilty.

3) The obligation to reimburse the costs shall, however, only apply to the person convicted by final judgment; it shall not pass to the heirs. Of several co-defendants, each shall be ordered to pay those costs which have arisen as a result of his food in pre-trial detention, his defense, the execution of the sentence or as a result of special events which have occurred only in his case or as a result of his particular fault. All joint tortfeasors and participants shall be ordered to pay all other costs of the criminal proceedings jointly and severally, unless the court finds special grounds for limiting this liability.

§ 305a

In the case of action under IIIa. main part, the public prosecutor may be exempted from the

The court shall not withdraw the prosecution or discontinue the criminal proceedings until the suspect has paid a lump-sum contribution to costs of up to 3,000 francs. The payment of a lump-sum contribution to costs shall be deferred to the extent that it would jeopardize the suspected person's and his family's maintenance, which is necessary for a simple lifestyle, or the fulfillment of the offence settlement.

§ 306

1) If the criminal proceedings are terminated in a way other than by a convicting verdict, the costs of the proceedings and of the defense shall be borne by the Land. If the accused (defendant) has contributed by his conduct to the initiation or prolongation of the proceedings or has otherwise increased the costs of the proceedings, it shall be at the discretion of the adjudicating court whether the costs necessary for the defense shall be imposed on the Land. However, if the criminal proceedings have taken place at the request of a private prosecutor or, pursuant to Section 32, only at the request of the private party, the latter shall be ordered to reimburse all costs incurred as a result of its intervention in the decision terminating the proceedings for the instance. However, the private party shall not be liable for the reimbursement of costs if the criminal proceedings are terminated in accordance with IIIa. Main Part.

2) If several private prosecutors or private parties have unsuccessfully sought punishment of the same persons for the same act, they shall be jointly and severally liable for the costs of the criminal proceedings. If they have unsuccessfully sought the punishment of different persons or the punishment of the same person, they shall be jointly liable for the costs of the criminal proceedings.

If a prosecution is brought against two or more persons for different acts, each shall be liable for the special costs incurred only by his application and for the lump-sum contribution to costs which would have been payable if his indictment had formed the sole subject-matter of the proceedings; the shares of the individual prosecutors in the joint costs shall be determined by the court according to the extent of their participation in the proceedings.

3) The public prosecutor can never be ordered to pay the costs. However, the official liability remains unaffected.

4) If, finally, the criminal proceedings were initiated by a knowingly false report, the costs shall be reimbursed by the person who made the report. The same shall also apply to the accused in the event of acquittal, insofar as he has caused the initiation of the proceedings without cause.

§ 307

For those special costs which are incurred by taking an appeal

or by a request for a retrial, the party who has lodged the appeal and the said request shall be liable if the former has been wholly unsuccessful or the latter has been dismissed.

§ 308

1) However, the costs of the criminal proceedings shall be recovered from the person liable to pay compensation only to the extent that neither the maintenance of the person liable to pay compensation and of his family, for whose support he is responsible, which is necessary for a simple way of life, nor the fulfillment of the obligation to make good the damage arising from the criminal act is jeopardized thereby.

2) Persons for whom alimentary allowances are claimed during their arrest shall be reimbursed from the same for the costs of meals incurred for them.

3) The decision on the recoverability of the costs shall, as far as possible, be made at the time of the issuance of the judgment. The decision on the subsequent payment of the costs of the counsel for the defence in accordance with Section 26f shall be reserved.

§ 309

1) Appeals against the decisions on the point of costs shall be joined with the appeal or revision filed against the judgment.

2) Separate appeals against decisions of the Regional Court on costs shall be finally decided by the Higher Court.

§ 310

Whoever makes use of a representative in criminal proceedings shall, as a rule, also pay the costs incurred for this representation, even if such a representative is appointed by the court ex officio. The determination of the amount for the representation shall be left to the free agreement between the representative and the party liable to pay; if such an agreement is not reached, each party shall be free to apply to the Regional Court for the determination of these fees, which, after hearing the other party, shall make the determination, releasing the appeal to the Higher Court to be taken within fourteen days. The decision of the Supreme Court cannot be appealed. In assessing the fee, the court shall not be bound to any specific amount, but shall take into account the effort expended on the representation itself, as well as the financial circumstances of the represented party with equity.

§ 311

1) In those cases in which the defendant, the private prosecutor, or the persons named in the

§ Section 306(4), such persons shall also be liable for all costs of defense and representation.

2) In determining the amount of such costs, if an agreement is not reached, it shall proceed in the manner specified in section 310.

XXI. Main section

From the proceedings before the single judge

§ 312

1) Proceedings before the single judge shall apply in the case of other nullity (section 220(1)) only if the criminal court does not have jurisdiction (section 15).

2) First of all, the single judge shall apply the provisions contained in this main part. In all those points, however, about which here no

If a special provision is issued, the provisions that apply to proceedings for crimes in general shall be applied.

§ 313

1) The proceedings before the single judge shall be initiated by a written request of the prosecutor for punishment of the accused. The application shall contain the information specified in section 163(2)(1) to (3). The application shall also state the evidence which the prosecutor intends to use in the final hearing. The public prosecutor may at the same time request the arrest of the accused.

2) The criminal complaint shall be addressed to the single judge and, if no investigation has taken place, shall be submitted directly to him, otherwise to the investigating judge. The investigating judge shall send the files to the single judge after he has made any additions that may be necessary to complete the investigation.

3) There is no appeal against the criminal complaint. However, the single judge shall obtain the decision of the President of the Supreme Court if he considers that there are concerns about the arrest of the accused.

§ 314

The preparation for the final hearing, the final hearing and the judgment shall otherwise be governed by the provisions of the

XIII. and XIV. main part with the following deviations and additions:

1. The summons of the accused to the final hearing shall be accompanied by a copy of the criminal complaint. In addition to the contents prescribed in section 179, the summons to appear must also contain a request to the accused to bring with him the evidence required for his defence or to notify the court in good time so that it can be brought to the final hearing. The accused shall also be informed of his right to have the assistance of a defense counsel (section 26(1)) and of the requirements for the assistance of a defense counsel under section 26(2).

2. Insofar as the provisions of sections 168 and 201(b) permit the investigating judge to take further inquiries or investigative measures, they shall apply only if this evidence cannot be taken at the final hearing.

3. If an investigation has not taken place, the public shall be excluded from the final hearing at the request of the accused.

4. The single judge shall have the powers and duties of the criminal court and its presiding judge.

5. Instead of the indictment, the motion for punishment shall be read.

6. If the single judge considers that he has no jurisdiction because the facts on which the criminal complaint is based, either in themselves or in connection with the circumstances that arose during the final hearing, give rise to the jurisdiction of the criminal court, he shall pronounce by judgment that he has no jurisdiction (section 15(5)). As soon as this judgment has become res judicata, the prosecutor shall, within fourteen days (§ 158 para. 1), file the motions necessary for the initiation or continuation of the proceedings. If, however, the criminal court or another court of a higher order refers the case back to the single judge, the latter may no longer dismiss it on the grounds of lack of jurisdiction. The same shall apply in the event of remittal or assignment as a result of a decision of an appellate court.

§ 315

1) At the end of the hearing the judgement shall be pronounced, together with the main grounds, by the judge and, in the event of any other nullity, shall be recorded in the minutes or appended thereto.

2) If, however, the accused is acquitted or convicted after a comprehensive confession supported by the other results of the trial, or if the indictment consisting of several counts is settled partly in one way and partly in another, and if in all such cases the parties waive all remedies or do not file a remedy within the period of time open for that purpose, the execution of the judgment may be made by a court appointed by the judge and the

The judgement shall be replaced by a judgement note to be signed by the secretary, which shall contain the following:

1. the information referred to in Section 215(2), with the exception of the reasons for the decision;

2. in the event of a conviction, the circumstances relevant to the assessment of the penalty in keywords;

3. in the case of a sentence to a fine calculated in daily rates, the circumstances relevant for the calculation of the daily rate (Section 19 (2) of the Criminal Code) in keywords.

3) If, in the event of a conviction, a private party is referred to the civil courts with claims for compensation (Section 258 (2)), the facts accepted by the court as proven shall also be set out in brief.

4) The external form of the notice of judgment within the meaning of the preceding two paragraphs shall be determined by the Government by ordinance.

5) The judge shall have the power to suspend the rendering of the judgment until the following day after the conclusion of the hearing.

§ 316

The same legal remedies and appeals shall be admissible against the judgments and decisions of the single judge as against the judgments and decisions of the criminal court. The same shall apply to the enforcement of judgments, findings and orders of the criminal court with respect to private-law claims, the resumption of criminal proceedings, reinstatement against the expiration of time limits, proceedings against unknown persons, absent persons and fugitives, and the costs of criminal proceedings. However, in the analogous application of Sections XV to XX, the single judge shall take the place of the presiding judge.

XXII. Main section

Simplification of proceedings before the single judge in the case of infractions and certain misdemeanors

§ 317

The provisions of this Part shall be applied before the single judge, in amendment and supplementation of the proceedings before the single judge provided for in Part XXI, as soon as it is established that only misdemeanors or misdemeanors are to be tried, provided that for the latter only a fine or a term of imprisonment not exceeding six months is threatened.

§ 318

If the judge finds that he does not have jurisdiction, he may, instead of rendering a judgment of lack of jurisdiction pursuant to Section 314(6), transmit the files to the public prosecutor so that he may file the motions necessary for the initiation of the proper proceedings.

§ 319

1) A written or oral request by the public prosecutor for legal punishment shall be sufficient for the initiation of proceedings. This request must specify the time, place and nature of the punishable act with sufficient clarity, stating the applicable legal provisions.

2) There is no formal investigation.

3) The public prosecutor need not be present at the final hearing of the first instance, unless it takes place on the basis of an objection raised by him against a penalty order (Section 329(1)).

4) If the judge is convinced that the act on which the application is based is not punishable by law or that there are circumstances that render the act unpunishable or preclude prosecution for the act, he or she shall discontinue the proceedings by order.

§ 320

The person whose rights have been violated by a criminal act to be prosecuted ex officio is free to join the criminal proceedings. If the public prosecutor refuses to prosecute, the private party may file an application for legal punishment (sections 319(1) and 326(2)), unless the prosecution has been terminated under IIIa. Main Part has been terminated.

§ 321

1) If the accused is brought before the judge and confesses to the offense with which he is charged, or if the accused appears before the judge, and if the prosecutor is also present and all evidence for the prosecution and the defense is at hand, the judge may, with the consent of the accused, immediately conduct the trial and pass sentence.

2) In this case, however, a day shall be set for the hearing after any preliminary investigations that may be deemed necessary have been carried out.

§ 322

In all preliminary investigations, the judge shall generally observe the rules issued for felony investigations, subject, however, to the following

Limitations:

1. The arrest of the accused may take place, except in the cases mentioned in § 127, para. 1, items 2 and 3, only if the accused, who has been expressly requested to appear in person, does not comply with this request. The accused must be allowed to continue his or her journey, provided that there is no reason to fear that this will frustrate the investigation or the execution of the judgment.

2. If the defendant cannot be served with the summons, the proceedings shall continue until the defendant is entered. The issuance of wanted posters is inadmissible; however, in more important cases, a description of the person of the accused may be communicated to the authorities.

3. Pre-trial detention may be imposed only in the cases specified in section 127(1)(2) and (3).

4. Retrieved

5. Court witnesses are not required at any investigative hearing.

6. In the case of a visual inspection as well as in the case of obtaining an expert opinion, the involvement of an expert shall be sufficient.

7. The keeping of a record is required only in the case of such investigations as are used as evidence at the trial and are not to be repeated at the trial; in other cases, the brief recording of the essential content of the statements made by the interrogated persons by the person taking the record or by the interrogating judge himself shall suffice.

8. No defense counsel shall be appointed ex officio, except in the case of detention pending trial.

§ 322a

1) In the case of violations of the Road Traffic Act, the judge may order the suspect to provide security in the amount of the presumed fine and costs of the proceedings if he has no permanent residence in Switzerland.

2) If the suspect does not immediately provide security, the judge may order the temporary withdrawal of the driver's license for up to five days.

3) Under the conditions set out in paragraphs 1 and 2, the national police may at times levy a security deposit of up to 5,000 francs or temporarily revoke the driver's license.

4) The provincial police shall immediately issue the suspect with a certificate on the collected security deposit or the provisional confiscation of the driver's license and inform the suspect that a court order will be issued within the following time limit

48 hours and that this order will be served only upon the express request of the suspect. The security deposit or the driver's license shall be submitted to the district court with the report within 24 hours at the latest.

5) In the event of discontinuation of the legal proceedings, acquittal of the accused or a final convicting decision, the security benefit shall be released subject to para. 6 and shall be paid to the person entitled to it.

6) The security deposit shall be credited against the legally imposed fine and the costs of the proceedings.

§ 323

As a rule, the witnesses shall not be sworn. However, if it is a question of the conviction of a denying accused by the testimony of witnesses, the latter must be sworn in accordance with the regulations if the accused particularly demands that they be sworn and if it is a question of an offence punishable by a custodial sentence of more than one month or a fine of more than sixty daily rates, provided that there is no legal obstacle to their being sworn.

§ 324

If the trial cannot take place immediately after the indictment has been filed in accordance with § 321, the accused, if he is not under arrest, shall be summoned to the trial by a written order, which must contain the essential facts of the criminal act with which he is charged and the request to appear at the appointed hour and to bring the evidence necessary for his defense or to notify the judge in such time that it can still be brought to the trial. At the same time, a warning shall be attached that in the event of his failure to appear, the hearing and judgment will nevertheless proceed.

§ 325

1) As a rule, the summons shall be issued in such a way that the accused has at least three days from the date of service of the summons to the date of the hearing, after deduction of the time required for him to reach the place of trial. However, in urgent cases, in the case of insignificant violations of the law and if the defendant is at the place of the court, the period may be shortened. The request of the accused for adjournment of the hearing may be granted only on the basis of certified substantial obstacles.

be

2) The accused shall be free to avail himself of the services of a defense counsel subject to the limitations mentioned in Part IV and Part XIII, which shall be subject to the judge's assessment.

3) If the accused is not under arrest, he may, if he does not wish to appear in person, be represented at the hearing by a person in authority who must identify himself by a special power of attorney; however, the court shall be entitled to arrange for his personal appearance in all cases where it is deemed necessary in the interest of ascertaining the truth. Persons who, without belonging to the party representatives mentioned in § 27 and without authorization, make a trade out of such representations may be rejected by the court.

§ 326

1) The publicity of the hearing, if a private prosecutor intervenes, must also be excluded for the reason that both parties request it.

2) The trial shall begin with the presentation of the indictment. Thereupon the defendant or his ruler shall be heard and the evidence shall be presented. Then the prosecutor and the private party shall be heard with their motions and the accused and his counsel with their answer. The prosecutor may confine himself to generally requesting the application of the law.

§ 327

If the defendant does not appear at the appointed hour despite having been duly summoned, the judge may, if he finds it necessary to question the defendant, summon him to appear in person or, if this has already been done, have him brought before him. In addition, the proceedings shall be started immediately, the evidence shall be taken.

and thereupon, after hearing the prosecutor, the judgment shall be rendered and pronounced. A copy of the judgment shall be served on the absent defendant.

§ 328

If an authority or an organ of the National Police reports an accused at large on the basis of its own official perception or a confession, or if the investigations carried out are sufficient to assess all circumstances relevant for the decision, the judge may, in cases of misdemeanors, with the exception of the cases specified in Section 22a (2) (1), order the defendant to be released from custody.

The court may impose a penalty without prior proceedings by means of a penalty order.

§ 329

1) The penalty order shall be sent to the public prosecutor for inspection before it is served on the defendant. The latter may appeal against it within fourteen days. In such a case, the criminal order shall not be issued and served on the defendant, and the ordinary proceedings shall be initiated.

2) The transmission of the penalty order to the public prosecutor and his right to appeal shall not apply if the public prosecutor himself has requested the penalty order in accordance with section 328(2) and the judge has fully complied with this request.

§ 330

1) In the case of section 329, paragraph 2, the court shall immediately, in the case of the § Section 329(1) shall then be served on the defendant if the public prosecutor has not raised an objection or has waived it.

2) The accused shall be free to lodge an objection to the penalty order with the district court, either orally or in writing, within a period of fourteen days from the date of service of the penalty order, and at the same time to notify the court of the evidence used in his defense. If the defendant raises an objection, the ordinary proceedings shall be instituted, provided, however, that the penalty order shall remain in force if he withdraws his objection at the latest at the beginning of the final hearing. In this case, the ordinary proceedings shall be discontinued again and a separate decision shall be made on any additional costs incurred within the meaning of § 301 para. 1 item 3.

3) Apart from an appeal, no legal remedy is admissible against the penalty order; however, the Regional Court may grant the defendant reinstatement if the prerequisites of Section 282 (1) (1) and (2) apply.

4) If the accused fails to appear at the scheduled final hearing without excuse despite having been duly summoned, the penalty order shall be revived. The objector shall bear the additional costs incurred since the issuance of the penalty order. These additional costs within the meaning of Section 301 (1) shall be decided by separate resolution. The summons to the final hearing shall expressly refer to the consequences of default.

§ 331

The reopening of criminal proceedings shall be governed by the principles set forth in XVIII. The reopening of criminal proceedings shall be governed by the principles set forth in Part XVIII of the Code. The single judge shall decide on the admission of the retrial. An appeal against a refusal to grant a retrial may be lodged with the Supreme Court, which shall make a final decision. The appeal must be lodged within fourteen days.

§ 332

1) Against decisions of the single judge, insofar as they are not subject to appeal, the parties have the right to appeal to the Supreme Court within four to ten days.

2) No further appeal shall lie from the decisions of the Supreme Court rendered on these appeals.

XXIII. Main section

The procedure for conditional leniency, conditional leniency of preventive measures, issuance of directives, and ordering of probationary help405

I. Conditional leniency of a sentence, placement in an institution for deprived offenders and legal consequences

§ 333

1) The conditional leniency of a sentence, placement in an institution for rehabilitated offenders and a legal consequence shall be included in the judgment.

2) The court shall instruct the convicted person on the meaning of the conditional indulgence and, as soon as the decision thereon has become final, shall serve on him a document stating briefly and in simple words the essential content of the decision, the obligations imposed on him and the grounds on which the indulgence may be revoked.

§ 334

1) The conditional leniency or lack thereof shall form part of the sentence and may be appealed in favor of and to the detriment of the convicted person. The appeal shall have a suspensive effect only insofar as it concerns the enforcement of the sentence or placement in an institution for wean- ing offenders or the occurrence of the legal consequence.

2) If the court has exceeded its powers by deciding on conditional indulgence, the judgment may be challenged on the ground of nullity under section 221(3).

II. Issuing instructions and ordering probationary assistance

§ 335

1) The court shall decide on the issuance of instructions and the ordering of probation assistance by way of a ruling. The decision shall be incumbent on the recognizing court in the final hearing, otherwise on the presiding judge.

2) If an instruction is given to the offender which directly affects the interests of the injured party, the latter shall be notified thereof.

III. Revocation of a conditional indulgence

§ 335a

1) If a person is convicted of a criminal offense that he or she committed before the expiration of the probationary period after being found guilty under a conditional sentence,

of a conditional indulgence or conditional discharge, the sentencing court shall proceed in accordance with the following provisions:

1. If the prerequisites for not imposing a subsequent sentence (Sections 8b, 8c of the Juvenile Courts Act) are met, it shall be pronounced that the new conviction does not give rise to such a sentence.

2. If the conditions for refraining from revoking a conditional suspended sentence or a conditional release exist, it shall be pronounced that revocation is refrained from on the occasion of the new conviction.

3. If the prerequisites for a subsequent pronouncement of the sentence (Sections 8b, 8c of the Juvenile Courts Act) exist, the sentence shall be assessed in one pronouncement as if the conviction for both criminal acts had been pronounced jointly; moreover, it shall be pronounced that a subsequent pronouncement of the sentence shall no longer be considered in the proceedings in which the conviction was pronounced with reservation of the sentence.

4. If the conditions for revocation of a conditional parole or a conditional release exist, the revocation shall be pronounced.

2) The single judge may pronounce a sentence under subsection 1(4) only in the case of sentences and residual sentences that do not exceed three years each. The revocation of a conditional indulgence of placement in an institution for mentally abnormal offenders in accordance with section 21(1) of the Criminal Code or of a conditional release from such placement or from a life sentence shall be submitted to the criminal court.

reserved. Insofar as the court hearing the appeal is not permitted to make a decision pursuant to para. 1 item 4, it shall state that the decision on the appeal is reserved for the court which would otherwise be responsible for the decision.

3) Before reaching its decision, the court shall hear the prosecutor, the defendant and the probation officer and inspect the files relating to the previous conviction. The court may dispense with hearing the defendant if the judgment is passed in his absence and a sentence is passed in accordance with subsection (1)(1) or (2). The hearing of the probation officer may be dispensed with if the court does not consider revocation. Instead of inspecting the files, the court may be content with inspecting a copy of the previous judgment if this can provide a sufficient basis for the decision under subsection 1.

4) The decisions pursuant to subsection 1, with the exception of the sentence pursuant to subsection 3, first sentence, as well as the reservation pursuant to subsection 2, shall be made by means of an order. The order shall be pronounced and issued together with the judgment. The order and its omission may be appealed against.

5) In an order refraining from revoking a conditional indulgence or conditional release, the adjudicating court may also extend the probationary period; at the same time as a pronouncement under subsection 1(1) or (2), instructions may also be issued, probation assistance ordered and educational measures taken (sections 53(3), 54(2) StGB, section 8b(2) Juvenile Courts Act).

6) The adjudicating court shall immediately notify all courts whose preliminary decisions are affected by a decision under the foregoing provisions.

§ 335b

If, in rendering a judgment, the adjudicating court has made a pronouncement pursuant to

§ section 335a (1) (3) or (4) is wrongfully omitted or, in the case of a pronouncement under section 335a (1) (2), the probationary period is not extended, and the prosecutor has not appealed the failure to make such a decision, a revocation of the conditional indulgence or discharge or an extension of the probationary period on the occasion of a new conviction may not be made if the earlier conviction or conditional discharge was on record.

§ 336

1) Except in the cases specified in § 335a, the decision on revocation of conditional leniency of a sentence or a part of a sentence, placement in an institution for

mentally abnormal or weanable lawbreaker or a legal consequence the court in closed session by order, which in those proceedings in which the conditional leniency has been pronounced, has decided in the first instance.

2) The decision on revocation in the case of a subsequent conviction (Section 55 of the Criminal Code) shall be taken by the court (Section 15) in whose judgment a conditional indulgence was included in the first or higher instance and last became final; in the case of courts of different orders, the court of higher order whose judgment contains a conditional indulgence and last became final shall decide.

3) Before making its decision, the court shall hear the prosecutor, the convicted person and the probation officer and obtain information from the criminal record. The hearing of the convicted person may be dispensed with if it proves to be impracticable without disproportionate expense.

§ 337

The court and the state police (Section 129(1)) may take the convicted person into preliminary custody if there is an urgent suspicion that there are grounds for revoking the conditional leniency of a sentence or part of a sentence and there is a fear that the convicted person may escape (Sections 130, 131(2)(1) and (3)).

IV. Final indulgence

§ 338

1) The pronouncement that the conditional leniency of a sentence, placement in an institution for mentally abnormal or weanable lawbreakers or a legal consequence has become final shall be made by a decision of the presiding officer.

2) Before the decision is made, the prosecutor must be heard and a criminal record must be obtained.

V. Common provisions

§ 339

1) All decisions relating to the issuance of directives, the ordering of probation, the extension of probation, the judicial ordering of provisional custody, the revocation of conditional probation or final valid probation may be appealed.

2) The appeal in favor of the convicted person shall be available to him and to all other persons who may appeal in favor of the convicted person, to the detriment of

of the convicted person, but only to the prosecutor. The appeal shall be lodged within fourteen days of the announcement of the decision to the appellant, but if it was not to be served on him, within fourteen days of the announcement to the convicted person. The appeal shall have a suspensive effect, unless

for that it is directed against the order of provisional custody.

3) The appeal may also be combined with an appeal against the judgment rendered at the same time as the order appealed against (Sections 335 and 335a). In this case, the appeal shall be deemed to have been filed in due time if the appeal was filed in due time. Moreover, an appeal filed in favor of the defendant shall also be considered an appeal against the order because of the pronouncement of the sentence.

XXIV. Main section

The procedure for preventive measures, exclusion from voting rights and forfeiture423

I. Procedure for the placement of mentally abnormal lawbreakers in accordance with Section 21 (1) of the Criminal Code

§ 340

1) If there are sufficient grounds for believing that the requirements of Section 21 (1) of the Criminal Code are met, the prosecutor shall file a motion for placement in an institution for mentally abnormal lawbreakers. The provisions of the indictment shall apply to this application. The provisions on criminal proceedings shall apply mutatis mutandis to the proceedings on the basis of such a motion, unless otherwise provided below.

2) An application for placement in an institution for mentally abnormal offenders must be preceded by an investigation procedure against the person concerned, for which the following special features apply:

1. The person concerned must be represented by a defense counsel. The latter is entitled to file motions even against the will of the person concerned.

2. The person concerned shall be examined at least by an expert in the field of psychiatry.

3. The investigating judge may call in one or two experts for each hearing of the person concerned.

4. If it is likely that the final hearing will have to be held in the absence of the person concerned (section 341(5)), the prosecutor, the private party, the defense counsel, and the legal counsel shall be informed of the outcome of the final hearing.

The representative of the person concerned must be given the opportunity to participate in a final hearing of the person concerned.

5. The person concerned shall not be questioned if this is not possible because of his or her condition or if it is only possible at considerable risk to his or her health.

3) The guardianship court shall be notified of the proceedings immediately.

4) If one of the grounds for detention specified in section 131(2) or (7) exists, if the person concerned cannot remain at liberty without danger to himself or others, or if his medical observation is required, his temporary detention in an institution for mentally abnormal offenders or his admission to a mental hospital shall be ordered.

5) The admissibility of temporary detention shall be decided upon application or ex officio in analogous application of sections 131 to 132a, 141, 142 and 239 and 241.

6) In the event of a criminal judgment (Section 344), the temporary detention shall be credited against custodial sentences and fines (Section 38 of the Criminal Code).

§ 341

1) The criminal court shall be competent to decide on the application for placement in an institution for mentally abnormal offenders in accordance with section 21(1) of the Criminal Code.

2) The court shall decide on the application by judgment after a final public hearing, which shall be conducted in application, mutatis mutandis, of the provisions of the XIVth and XVth Principal Acts.

3) During the entire final hearing, in case of other nullity, a representative of the person concerned must be present, who is entitled to file motions in favor of the person concerned even against his will.

4) The final hearing shall be attended by an expert (section 340(2)(2)) if otherwise null and void.

5) If the condition of the person concerned does not permit participation in the final hearing within a reasonable period of time or if such participation would pose a considerable risk to his health, the final hearing shall be held in the absence of the person concerned. The court shall decide on this after hearing the expert witnesses and carrying out any other necessary

Surveys by means of a resolution. The resolution may also be passed by the chairman prior to the final hearing and in this case shall be adopted by the board of directors.

The appeal may be lodged separately within a period of fourteen days. A decision to hold the final hearing in its entirety in the absence of the person concerned may only be taken after the chairman has satisfied himself of the status of the person concerned and has spoken to him. If the person concerned is not questioned in whole or in part, but was questioned during the investigation, the minutes of the investigation shall be read out.

6) A connection to the proceedings for private-law claims is not permissible.

§ 342

1) If the person concerned has a legal representative, the application and all court decisions shall be notified to him in the same way as to the person concerned himself. The legal representative shall also be notified of the order for the final hearing.

2) The legal representative shall be entitled to take all legal remedies granted by law to the person concerned, even against the person's will. The time limit for the legal representative to lodge an appeal shall run from the day on which the decision is opened to him or her.

3) If the person concerned does not have a legal representative, if the legal representative is suspected of or referred to participation in the act of the person concerned that is punishable, if the legal representative cannot assist the person concerned in the proceedings for other reasons, or if the legal representative does not appear at the final hearing despite having been duly notified, the rights of the legal representative shall be vested in the person concerned's defense counsel.

4) The guardianship court shall be notified of the order for placement in an institution for mentally abnormal offenders pursuant to section 21(1) of the Criminal Code.

§ 343

1) The judgment may be appealed by analogous application of sections 219 to 221 in favor of and to the detriment of the person concerned. In the case of placement, the person concerned and his relatives (section 218) shall also be entitled to this remedy. The filing of an appeal has a suspensive effect.

2) The provisions of Section XVIII shall apply mutatis mutandis to the reopening of proceedings and the reinstatement against the expiry of time limits. shall apply mutatis mutandis.

§ 344

1) If, in proceedings directed to the placement of a person in an institution for mentally abnormal offenders, the court considers that the person concerned has

could be punished for the act, it shall hear the parties on this. A decision on any request for an adjournment shall be taken at the final hearing. The same shall apply if, in criminal proceedings, the court comes to the conclusion that an accommodation pursuant to

§ Section 21 (1) of the Criminal Code. If the proceedings are not conducted before the criminal court, any other court shall pronounce its incompetence in the event of other nullity.

2) The motion for placement in an institution for mentally abnormal lawbreakers shall be equivalent to an indictment. However, the prosecutor has the right to exchange the motion for an indictment until the beginning of the final hearing.

3) On the basis of an indictment, accommodation under section 21(1) of the Criminal Code may be ordered only if the provisions of section 341(3) and (4) and section 342(1), last sentence, have been observed at the final hearing. If necessary, the final hearing shall be adjourned (section 201).

II. Proceedings for the placement of mentally abnormal lawbreakers, lawbreakers in need of weaning, or dangerous recidivists in accordance with the

§§ Sections 21 (2), 22 and 23 of the Criminal Code to the institutions designated for this purpose and for the imposition of a ban on activities pursuant to Section 220 of the Criminal Code.

§ 345

1) The application of preventive measures provided for in Sections 21(2), 22, 23 and 220 of the Criminal Code shall, as a rule (Section 351), be decided in the criminal judgment.

2) The order of placement in one of the institutions referred to in these provisions or the failure to do so, as well as the order of prohibition of activity or the failure to do so, shall form part of the sentence pronouncement and may be appealed in favor of and to the detriment of the convicted person.

3) If the court has exceeded its powers by deciding on the preventive measures, this constitutes a ground for nullity under Section 221(3).

§ 346

1) Placement in one of the institutions provided for in Sections 21(2) and 23 of the Criminal Code may be ordered only if an investigation procedure has taken place.

2) In the case of Section 21(2) of the Criminal Code, the special features mentioned in Section 340(2)(1) to (3) shall apply to this investigation procedure.

§ 347

If the prosecutor intends to file a motion for placement in one of the institutions provided for in sections 21(2), 22 or 23 of the Criminal Code or for the ordering of a ban on activity, he shall state this in the indictment (in the criminal complaint). However, the court may order the placement or prohibition of activity even without such a request.

§ 348

If there are sufficient grounds for believing that the requirements of sections 21(2) or 22 of the Criminal Code are met and grounds for detention (sections 131(2) and (7)) exist, but the accused cannot be detained without difficulty in the judicial state prison, it shall be ordered by resolution that the pre-trial detention shall be executed by temporary placement in an institution for mentally abnormal lawbreakers or in an institution for lawbreakers in need of detoxification. In this case, the provisions on the execution of such preventive measures shall apply mutatis mutandis to the execution of pre-trial detention.

§ 349

1) The order of preventive measures provided for in Sections 21(2), 22 and 23 of the Criminal Code shall be null and void if a defense counsel for the accused was not present during the entire final hearing. The order prohibiting the defendant from taking action (Section 220 of the Criminal Code) is null and void if its requirements were not discussed during the final hearing.

2) Placement in an institution for mentally abnormal lawbreakers pursuant to Section 21 (2) of the Criminal Code, in an institution for weaned

Moreover, in the case of a conviction of a lawbreaker or in an institution for dangerous recidivists, the conviction may only be ordered after at least one expert has been consulted (section 340 (2) (2)), if the conviction is otherwise null and void.

3) If the court refrains from placing the offender in an institution for wean- ing offenders because of the amount of the sentence imposed (Section 22 (2) of the Criminal Code), it shall state the reasons for this circumstance in the decision.

§ 350

If the accused has a legal representative, section 342 shall apply in substance in proceedings in which there are sufficient grounds for assuming the requirements of sections 21(2) or 22 of the Criminal Code.

§ 351

1) If there are sufficient grounds for believing that the requirements for the independent ordering of the preventive measures provided for in sections 21(2), 22, 23 and 220 of the Criminal Code are met (section 65(5) of the Criminal Code), the plaintiff shall file an application for the ordering of one of the preventive measures referred to in these provisions. The provisions on the indictment apply mutatis mutandis to this application.

2) Sections 341 (1) and (2), 343, 346, 349 (1) and (2) and 350 shall apply mutatis mutandis in this case.

§ 352

If one of the grounds for detention specified in Section 131 (2) applies, the person concerned shall be temporarily detained in one of the institutions specified in Section 351 (1). § Section 340 (5) and (6) shall apply mutatis mutandis.

IIa. Procedure for exclusion from voting rights

§ 352a

1) A decision on exclusion from the right to vote (Art. 2 para. 1 let. c VRG) shall be made in the sentence. The decision is equivalent to the pronouncement of the sentence and may be appealed in favor of and to the detriment of the convicted person.

2) The court shall inform the criminal records authority of the decision concerning the exclusion from the right to vote.

3) If circumstances subsequently arise or become known which, if they had existed at the time of the judgment, would not have led to a decision in accordance with subsection (1), Section 251 shall apply.

III. Procedure for forfeiture, extended forfeiture and confiscation

§ 353

1) Forfeiture, extended forfeiture, confiscation, and other property orders under the ancillary criminal legislation shall be decided in the criminal judgment, unless otherwise provided in this section or in other laws.

2) If the results of the criminal proceedings are not sufficient, either in themselves or after carrying out simple additional investigations, to be able to reliably judge the property-law orders referred to in para. 1, their pronouncement may be reserved by order of a separate decision (§§ 356, 356a), except in which case such an order shall no longer be admissible on account of the property or objects concerned.

3) The decision on property orders shall, except in the case of section 356a, be equivalent to the pronouncement on the sentence and may be appealed in favor of and to the detriment of the convicted person or the person otherwise affected by the order (section 354).

§ 354

1) Persons who have a right to the property or objects threatened with forfeiture or confiscation or who assert such a right, who are liable for fines or for the costs of criminal proceedings or who, without being themselves accused or charged, are threatened with forfeiture, extended forfeiture or confiscation, shall be summoned to the final hearing. They shall have the rights of the accused at the final hearing and in the subsequent proceedings insofar as the decision on such property orders is concerned. If the persons concerned have been served with the summons, they may also be heard and decided in their absence.

2) If the persons mentioned in para. 1 do not assert their right until after the decision on forfeiture, extended forfeiture or confiscation has become final, they shall be free to assert their claims to the object or its purchase price (section 253) against the Land through civil proceedings within thirty years after the decision.

§ 355

1) Sums of money, claims to money and securities which have been secured in accordance with section 97a shall be collected or disposed of (liquidation) if

1. the forfeiture or extended forfeiture cannot be decided in a criminal judgment (sections 353 and 354) or in independent proceedings (sections 356 to 357) because the defendant or a party liable cannot be found out or cannot be brought before the court and the proceedings must be discontinued for this reason in accordance with section 283,

2. at least two years have elapsed since the safeguarding pursuant to Section 97a and the edict on the impending realization (Section 355a) had been publicly announced for at least one year (Section 355a (2)).

2) The exploitation is inadmissible insofar and as long as

1. a person who is not suspected of having participated in the criminal act has established a prima facie right to the asset (para. 1), or

2. there is a prior lien on the asset (para. 1).

3) The court shall decide on the utilization at the request of the public prosecutor's office.

§ 355a

1) The court shall give notice of the sale by means of an edict, which shall contain the following:

1. the name of the third party debtor,

2. a description or designation of the asset (Section 355(1)) by its nature, extent and amount,

3. the notification that the asset will be liquidated after one year, unless the cancellation of the security has been effected by that time in accordance with

§ 97a would be applied for.

2) The edict must be made public (Art. 46 EO). A written copy must be sent to the public prosecutor's office, if applicable to the person affected by the order and to any third-party debtor,

who is to be obliged to inform the court without delay of all facts which could prevent the utilization. Reasonable costs incurred in this connection shall be reimbursed (section 96 (3)).

§ 355b

1) A decision on utilization shall be made public. Service shall thereby be deemed to have been effected.

2) An appeal filed in due time shall have a suspensive effect.

§ 355c

1) A final order for realization shall be enforced by analogous application of section 253. In the request under section 253(1), the debtor concerned shall be ordered to submit to the court all documents relating to the asset.

2) If a decision on forfeiture or extended forfeiture can be taken after the decision on realization has become final, sections 353 to 357 shall apply. In all other respects, section 354 subs. 2 shall apply mutatis mutandis.

3) Compensation for assets realized in favor of the Land (section 355 (1)) shall be paid only in money. The Land shall be treated as a bona fide purchaser.

§ 356

1) If there are sufficient grounds to assume that the conditions of the

If it is established that the property is subject to forfeiture (Section 20 of the Criminal Code), extended forfeiture (Section 20b of the Criminal Code) or confiscation (Section 26 of the Criminal Code), without it being possible to decide on this in criminal proceedings or in proceedings for placement in one of the institutions referred to in Sections 21 to 23 of the Criminal Code, the prosecutor shall file an independent application for the issuance of such a property-law order.

2) An application for forfeiture or extended forfeiture shall be decided by the court which had or would have had jurisdiction to hear the case and pass judgment for the act on which the order is based, in separate proceedings after a public hearing. If the criminal court has passed judgment on the act that is to constitute the order or has reserved the decision (section 353(2)), its chairman shall have jurisdiction as a single judge.

3) An application for confiscation shall, as a rule (Section 356a), be decided by the single judge in separate proceedings after a public hearing. The provisions on the final hearing in the case of criminal offences for which there is no threat of a custodial sentence exceeding six months, as well as Section 354, shall apply mutatis mutandis.

4) The judgment may be appealed in analogous application of the main section on legal remedies in favor of and to the detriment of the person concerned; section 354 (1) sentence 3 shall apply mutatis mutandis.

§ 356a

1) The single judge may decide on an application for confiscation in independent proceedings after hearing the prosecutor and the persons concerned (Section 354) if the value of the object threatened by confiscation does not exceed 2,000 francs or if it is an object whose possession is generally prohibited. If the place of residence of the person concerned is abroad or cannot be ascertained without special procedural effort, his hearing may be dispensed with.

2) The person concerned and the prosecutor shall have the right of appeal to the Supreme Court against a decision under paragraph 1. The appeal shall be notified to the opposing party with the indication that he or she may submit a counter-appeal within fourteen days.

§ 357

If the requirements for independent proceedings do not arise until the final hearing, the decision may also be rendered in a judgment in which the defendant is acquitted or the application for institutionalization is dismissed.

is rejected.

XXV. Main section

From the proceedings on the liability of legal persons448

§ 357a

1) This Act shall apply mutatis mutandis to proceedings concerning the liability of a legal entity (section 74a of the Criminal Code), insofar as it does not exclusively

is applicable to natural persons and nothing to the contrary results from the following provisions.

2) The court's jurisdiction over the offense shall also establish jurisdiction over the proceedings against the suspected legal entity. As a rule, the proceedings shall be conducted jointly.

3) The motion for punishment of a legal person shall be combined with the indictment, the criminal complaint or the motion for punishment against natural persons if the proceedings can be conducted jointly. An application for punishment of a legal person shall in any case summarize and assess the facts from which the legal person's liability arises.

4) Under the conditions of Section 67(3), it shall also be permissible to conduct criminal proceedings against a legal person separately.

§ 357b

1) The legal person against whom criminal liability is suspected shall have the rights of the accused in the proceedings.

2) The legal entity shall be represented in the proceedings by a member of the body authorized to represent it externally or by another person designated by the body authorized to represent it externally.

3) If the members of the body authorized to represent the juvenile externally fail to name a suitable person within a reasonable period of time despite being requested to do so by the court, the court shall appoint a suitable representative ex officio. The appointment shall end with the intervention of a representative appointed by the organs of the juvenile or an elected defense counsel.

4) If all the members of the body authorized to represent the person externally are themselves suspected of having committed the offense and if, despite being requested to do so by the court, they fail to name a suitable person within a reasonable period of time, the procedure set out in para. 3 shall be followed.

4a) A representative appointed pursuant to par. 3 shall be liable for the damage caused by him/her

to the legal entity only if he has intentionally caused it.

5) If the legal person has been validly served, notice shall also be deemed to have been given to the legal successor (Section 74d of the Criminal Code).

§ 357c

The persons in charge of the legal entity and those employees who are suspected of having committed the offense or who have already been convicted of the offense shall be summoned as defendants and questioned.

§ 357d

1) The public prosecutor may refrain from or withdraw from prosecuting a legal person if, after weighing the gravity of the offense, the consequences of the offense, the gravity of the organizational deficiency, the conduct of the legal person after the offense, in particular the reparation of the damage, the expected amount of the association fine to be imposed on the legal person, as well as any legal disadvantages of the legal person or its owners resulting from the offence that have already occurred or are foreseeable in the immediate future, prosecution and sanctioning of the legal person appears to be dispensable.

2) It may also refrain from or withdraw from the prosecution of a legal person if investigations or applications for prosecution would entail considerable expense that would be manifestly disproportionate to the importance of the case or to the sanctions to be expected in the event of a conviction.

3) However, the prosecution may not be waived or rescinded if the prosecution is

1. due to a risk of committing an act with serious consequences, for which the legal entity may be responsible, emanating from the legal entity,

2. to counteract the commission of acts in the course of the activities of other legal persons, or

3. otherwise appears necessary due to a special public interest.

§ 357e

If a legal person is strongly suspected of being responsible for an offense and it is likely that a fine will be imposed on it, the court shall, at the request of the public prosecutor's office, issue an order to secure the fine in accordance with section

97a if and to the extent that it is to be feared that the contribution would otherwise be endangered or significantly impeded.

§ 357f

1) If it is established on the basis of sufficiently clarified facts that filing a complaint under section 22 or proceeding under section 357d is out of the question, and if the conditions specified in section 22a are met, the public prosecutor shall refrain from prosecuting a legal person for responsibility for an incidental offense if the imposition of a fine for association in view of

1. the payment of a sum of money to be fixed in the amount of up to 100 daily rates plus the costs of the proceedings to be reimbursed in the event of a conviction,

2. a probationary period of up to three years to be determined, where possible and appropriate, in conjunction with the legal entity's expressly stated willingness to take technical, organizational or personnel measures to prevent further acts for which the legal entity is responsible; or

3. the express declaration of the legal entity to provide certain charitable services free of charge within a period to be determined, not exceeding six months,

does not appear to be necessary in order to counteract the commission of incidental acts for which the legal person may be held liable and the commission of incidental acts in the course of the activities of other legal persons. § Section 22e shall not apply.

2) Unless this can be waived for special reasons, the withdrawal from the prosecution shall furthermore be made conditional on the legal person making good the damage resulting from the act within a period to be determined of no more than six months and proving this without delay.

3) After the initiation of the investigation or filing of the motion for punishment of the legal person for a predicate offense to be prosecuted ex officio, the court shall apply paras. 1 and 2 mutatis mutandis and discontinue the proceedings against the legal person under the conditions applicable to the public prosecutor's office until the conclusion of the final hearing by means of an order.

§ 357g

If the legal person is not represented at the final hearing, the court may conduct the final hearing, take evidence and render the judgment, but in case of other nullity, only if the summons to the final hearing was issued by the court.

The judgment shall be delivered in writing to the legal entity that was validly served with the judgment and that was threatened with such legal consequences in the summons. In this case, a written copy of the judgment shall be delivered to the legal person.

XXVI. Main section Final and transitional provisions

457

§ 358

Entry into force

1) This Act shall enter into force simultaneously with the Criminal Code on January 1, 1989.

2) On the day on which this Act enters into force, all provisions of other laws that conflict with it shall cease to have effect, unless otherwise provided for in this Act.

3) In particular, the Code of Criminal Procedure of December 31, 1913, LGBl. 1914 No. 3, as amended by the laws of September 12, 1916, LGBl.
1916 No. 9, of April 7, 1922, LGBl. 1922 No. 16 and 17, of June 1, 1922, LGBl. 1922. No. 21, of September 22, 1966, LGBl. 1966 No. 24, of September 27, 1972, LGBl.
1972 No. 54, of September 19, 1979, LGBl. 1980 No. 11, of June 23, 1981, LGBl.
1981 No. 39, and of October 5, 1983, LGBl. 1983 No. 53.

§ 359

Transitional provisions

1) The changes in the subject-matter jurisdiction of the courts resulting from the new provisions of criminal procedure law have no effect on criminal proceedings that are already pending. However, if a court of a higher order has jurisdiction under the new law and no final hearing has yet taken place, the proceedings must be assigned to the court that now has jurisdiction.

2) For deadlines that have already expired before the entry into force of this Act, the old law shall apply. Deadlines that have not yet expired, on the other hand, are to be calculated in accordance with the new law.

3) The provisions on the admissibility and content of appeals and legal remedies, as well as on the procedure applicable thereto, shall apply to legal remedies against court decisions rendered before the entry into force of this Act only if the time limit for legal remedies calculated in accordance with subsection 2 had not yet expired at the time of the entry into force of this Act.

4) The same shall apply mutatis mutandis to any other legal remedies, in particular the filing of an appeal.

against a bill of indictment filed before the effective date of this Act.

5) If the substantive law that was in force before the entry into force of the new substantive provisions is still applicable in the proceedings, the new provisions of criminal procedure shall nevertheless be applied if they are more favorable to the accused than the previous provisions of criminal procedure. If the judgment rendered at first instance is set aside by an appellate court and the criminal case is referred back to a lower court for a new hearing and judgment, the provisions of this Act shall apply without restriction to the new proceedings.

1) e requirements for reopening criminal proceedings shall be governed by the procedural provisions that are more favorable to the convicted person in the case of convictions that took place under the previous law.

§ 360

Retrieved

III. narcotics law (BMG)

from 20 April 1983

I. General provisions Art. 1

Subject matter and scope

1) Narcotics shall be subject to control in accordance with this Act.

1a) This Act also applies to persons and companies domiciled in Liechtenstein who deal in narcotics abroad.

2) The import, export and transit of narcotics are subject to the regulations applicable in Liechtenstein on the basis of the customs treaty.

Art. 1a

Relationship to the Therapeutic Products Act

The provisions of the Therapeutic Products Act apply to narcotics used as therapeutic products. The provisions of this law are applicable if the Therapeutic Products Act does not contain any provisions or contains less extensive provisions.

Art. 2

Terms and designations

1) For the purposes of this Act shall be deemed to include:

a) Narcotics: dependence-producing substances and preparations of the effect types morphine, cocaine or cannabis, as well as substances and preparations that are manufactured on their basis or have a similar effect to these;

b) psychotropic substances: dependence-producing substances and preparations containing or having an effect similar to am- phetamines, barbiturates, benzodiazepines or hallucinogens such as lysergide or mescaline;

c) Substances: raw materials such as plants and fungi or parts thereof, and chemically produced compounds;

d) Preparations: ready-to-use narcotics and psychotropic substances;

e) Precursors: substances that do not produce dependence but can be converted into narcotics or psychotropic substances;

f) Auxiliary chemicals: substances used in the manufacture of narcotics and psychotropic substances.

2) The designations of persons, functions and professions used in this Act shall be understood to mean members of the male and female sexes.

Art. 2a

Directory

The government draws up the list of narcotics, psychotropic substances, precursors and auxiliary chemicals by decree. As a rule, it bases this list on the recommendations of the competent international organizations.

Art. 2b

Regulation of psychotropic substances

Unless otherwise provided by this Act, the provisions on narcotics shall also apply to psychotropic substances.

Art. 2c

FacilitatedControlMeasures

1) The government may subject precursors and auxiliary chemicals to narcotics control under the provisions of Chapters II and III. It may impose a licensing requirement or other less extensive monitoring measures, such as customer identification, recordkeeping requirements, and information requirements. As a rule, it follows the recommendations of the competent international organizations.

2) The Government may exempt narcotics from control measures in part and in certain concentrations or quantities entirely if the competent international organizations (United Nations, World Health Organization) decide or recommend the exemption on the basis of a convention ratified also by Liechtenstein.

3) For the implementation of paragraph 1, in particular for information and advisory tasks, the government may involve private organizations.

II. Production, supply, purchase and use of narcotics and reporting of narcotics misuse

1. manufacturing and trading companies Art. 3

Permit for production and trade

1) Companies and persons cultivating, producing, processing narcotics

or trade in them require a permit from the Office of Public Health. Art. 6 remains reserved.

2) The conditions for the granting, expiry or withdrawal of the permit, as well as its form, content and period of validity, are regulated by the government by ordinance.

3) Retrieved

Art. 4

Restrictions due to international agreements

The government may prohibit the cultivation, production and stockpiling of narcotics by licensees on the basis of international agreements.

Art. 5

Raw materials and products with narcotic-like effect

1) Raw materials and products which may be presumed to have effects similar to those of the substances and preparations referred to in Article 2 may be grown, produced, stored, used or placed on the market only with the authorization of the Government and in accordance with its conditions.

2) The Office of Public Health shall check whether the raw materials and products are substances or preparations as defined in Article 2. If this is the case, authorizations in accordance with Art. 3 are required.

3) The government establishes the list of these substances and prepa- rate by decree.

Art. 6

Prohibited narcotics

1) The following narcotics may not be cultivated, manufactured or placed on the market:

a) Smokopium and the residues resulting from its production or use;

b) Diacetylmorphine and its salts;

c) Hallucinogens such as lysergide (LSD 25);

d) Narcotics of the cannabis effect type with an average total THC content of at least 1%.

2) The government may prohibit the production and marketing of other narcotics if international agreements prohibit their production, or

the main manufacturing countries do without it.

3) Any stocks of prohibited narcotics shall be converted into a substance permitted by law under the supervision of the Office of Public Health or, failing that, destroyed.

4) The Office of Public Health may grant exemptions for the cultivation, production and marketing of narcotics pursuant to paragraphs 1 and 2, provided that there is no international agreement to the contrary and that these narcotics are used for scientific research, drug development or restricted medical use.

2. medical personnel

Art. 7

1) Physicians, dentists, veterinarians and responsible managers of authorized pharmacies may obtain, store, use and dispense narcotics as required for the proper practice of their profession without special authorization. The provisions of the Therapeutic Products Act on self-dispensing by physicians, dentists and veterinarians remain reserved.

1a) A permit from the Office of Public Health is required for the prescription, dispensing and administration of narcotics for the medical treatment of persons addicted to narcotics. Heroin-assisted treatment is not permitted. The government shall regulate the details by ordinance.

2) The Office of Public Health may limit the authority of dentists to certain anesthetics.

3) In order to prevent the spread of epidemic diseases, physicians may dispense sterile instruments that are also suitable for administering narcotics to patients known to them to be addicted to narcotics. The government shall issue more detailed guidelines by decree.

Art. 8

1) The physicians and veterinarians referred to in Article 7 are authorized to prescribe narcotics.

2) Possible agreements with neighboring countries on the mutual admission of medical personnel residing in the border regions to practice their profession remain reserved.

Art. 9

1) Doctors and veterinarians are obliged to use narcotics only to the extent of

to use, dispense and prescribe as necessary according to the accepted rules of medical science.

1a) Physicians and veterinarians who dispense or prescribe narcotics approved as medicinal products for indications other than those approved must notify the Office of Public Health within 30 days. At the request of the Office of Public Health, they shall provide all necessary information on the nature and purpose of the treatment.

2) Paragraphs 1 and 1a also apply to the use and dispensing of anesthetics by dentists.

Art. 10

The Office of Public Health may withdraw the authority under Art. 7 for a certain period of time or permanently if the authorized medical professional is addicted to narcotics or has committed an offence under Arts. 20 to 26.

Art. 11

Repealed

3. hospitals and institutes Art. 12

1) Hospitals may be authorized by the Office of Public Health to obtain, store and use narcotics in accordance with the needs of their establishment, provided that one of the persons referred to in Article 7 is responsible for the storage and use.

2) Institutes that serve the purpose of scientific research may be authorized by the Office of Public Health to conduct research in accordance with their own

need to cultivate, obtain, store and use narcotics.

3) Art. 6 remains reserved.

4. reporting of narcotics abuse Art. 13

1) Authorities, offices, physicians and pharmacists are authorized to report cases of narcotics abuse detected in their official or professional activities, where care measures are deemed appropriate in the interest of the patient, his relatives or the general public, to the authority responsible for care.

2) Public servants performing functions of an educator or caregiver shall not be obliged to report if they learn that a person entrusted to them has violated Article 21 of this Act.

III. control

Art. 14

Responsibility

The control of narcotics shall be the responsibility of the Government and the Office of Public Health in accordance with this Act.

Art. 15

Repealed

Art. 16

1) A delivery bill must be issued for each delivery of narcotics and handed over to the recipient with the goods. The delivery of narcotics by physicians, dentists, veterinarians and pharmacists to the public is exempt from this requirement.

2) The companies and persons authorized to manufacture and process narcotics shall provide the Office of Public Health with the required copies of the delivery bills.

Art. 17

1) Companies, persons and institutes in possession of a permit pursuant to Articles 3 and 12 are obliged to keep a continuous record of all their dealings in aerating agents.

2) The companies and persons mentioned in Art. 3 shall report to the Office of Public Health at the end of each year on their traffic in narcotics and the stocks.

3) Companies and persons holding a permit for the cultivation, production and processing of narcotics shall also report quarterly to the Office of Public Health on the extent of cultivation and the type and quantities of narcotics obtained, produced and processed.

4) The persons authorized to obtain and use narcotics pursuant to Art. 7 and the persons responsible for the supply of narcotics pursuant to Art. 12 shall provide proof of the use of the narcotics obtained.

Art. 18

1) Narcotics must be stored separately from all other goods in suitable rooms under lock and key.

2) Narcotics may be placed on the market only with the indication of the product name.

3) Any promotion of narcotics to the public is prohibited.

4) The Government shall, by ordinance, issue more detailed provisions on the presentation, designation and advertising of narcotics as well as on the information to be included in package leaflets.

Art. 19

1) The companies, persons, hospitals and institutes subject to the control shall make accessible to the control bodies the cultivation areas, production, sales and storage rooms, the stocks of narcotics and all related documents. They are required to provide the information requested by the Office of Public Health at any time.

2) The persons entrusted with the control of the traffic of narcotics are obliged to keep the knowledge gained in this process confidential.

IV. penal provisions

Art. 20

1) The district court shall punish for misdemeanor with imprisonment for a term not exceeding three years or with a fine not exceeding 360 daily penalty units who intentionally:

a) Cultivates, manufactures, or otherwise produces narcotics without authorization;

b) Retrieved

c) stores, dispatches or transports them without authorization;

d) disposes of them without authorization, prescribes them, otherwise procures them for another person or puts them into circulation;

e) possesses, stores, purchases or otherwise obtains them without authorization;

f) Retrieved

g) finances or arranges the financing of the illicit traffic in narcotic drugs;

h) publicly solicits the use of narcotics or publicly announces an opportunity to acquire or use narcotics;

i) commits an offence under subparagraphs (a) to (h).

In serious cases, the offender shall be punished by imprisonment for a term of one to twenty years for committing a crime.

2) A serious case is one in which the offender:

a) knows or must assume that the infringement relates to a set of

The company's activities are related to the use of narcotics, which can put the health of many people at risk,

b) acts as a member of a criminal organization;

c) achieves a large turnover or a substantial profit through commercial trading.

3) If the offences under subsection 1 are committed negligently, the offender shall be punished by the district court for misdemeanor with imprisonment for a term not exceeding one year or a fine not exceeding 360 daily penalty units.

Art. 20a

Repealed

Art. 21

1) Whoever intentionally consumes narcotics without authorization or whoever for his own Consumption commits an offence within the meaning of Art. 20 shall be punished by the district court for the offence by a fine of up to 50,000 francs, and in the case of non-collection by up to six months' imprisonment.

2) In minor cases, a penalty may be waived.

Art. 22

1) In the event of a conviction for a criminal offense under this Act committed on the basis of narcotic dependence, the court may provisionally postpone the execution of a custodial sentence of not more than five years or a monetary penalty, specifying a probationary period of not less than one and not more than five years, provided that the offender undergoes treatment conducive to his rehabilitation if, taking into account all the circumstances, such treatment is expected to be successful. Treatment shall also include a stay in a state-recognized institution which serves to remedy the addiction or to counteract a renewed addiction.

2) The convicted person shall be required to provide proof of admission to and continuation of treatment at times to be determined by the court; the persons or institutions providing treatment shall notify the court of any discontinuation of treatment.

3) The court of first instance shall revoke the suspension of the execution of the sentence and order the execution of the suspended sentence if the treatment is not commenced or is not continued, if the convicted person fails to provide the evidence required under subsection 2, if the treatment is obviously unsuccessful or if he or she commits an offense that is not merely minor.

4) In the case of offenders who are serving a custodial sentence for an offense under subsection 1, the court may, if half of the custodial sentence has elapsed

The court shall remit the remainder of the sentence to the person who has been sentenced, provided that he undergoes treatment conducive to his rehabilitation if, taking into account all the circumstances, this treatment is expected to be successful. Paras. 2 and 3 apply mutatis mutandis.

Art. 23

Any person who intentionally incites or attempts to incite someone to unauthorized consumption of narcotics shall be punished by the district court for a misdemeanor with a fine of up to 50,000 Swiss francs, or in the case of non-collection, up to six months imprisonment.

Art. 24

1) The district court shall punish for a misdemeanor with imprisonment for a term not exceeding three years or with a fine not exceeding 360 daily penalty units:

a) as a physician, dentist, veterinarian or pharmacist, uses or dispenses narcotics other than in accordance with Art. 7;

b) as a physician or veterinarian, uses or dispenses narcotics other than in accordance with Art. 9 or 11;

c) as a physician or veterinarian prescribes narcotics other than in accordance with Art. 9;

d) cultivates, manufactures, stores, uses or places on the market substances and preparations in accordance with Art. 5 without a permit.

In serious cases, the offender shall be punished by imprisonment for a term of one to twenty years for committing a crime.

2) If the offender acts negligently, he shall be punished by the district court for the violation with a fine of up to 50,000 Swiss francs, in case of non-collection with imprisonment for up to six months.

Art. 25

1) The district court shall punish for a misdemeanor with imprisonment for a term not exceeding three years or with a fine not exceeding 360 daily penalty units:

a) fails to make the notifications pursuant to Art. 9 par. 1a;

b) fails to draw up the delivery bills and narcotics checks required by Articles 16 and 17, paragraph 1, or makes false entries therein or omits to enter information that he should have entered;

c) makes use of delivery bills or narcotics checks that contain false or incomplete information.

2) If the offender acts negligently, he shall be punished by the district court for the violation with a fine of up to 50,000 Swiss francs, in case of non-collection with imprisonment for up to six months.

Art. 26

The district court shall, unless a criminal offense under Art.

20 to 25, is punishable by a fine of up to 50,000 Swiss francs or, in the event of non-collection, by imprisonment for a term of up to six months:

a) fails to fulfill his or her duties of care as a person authorized to traffic in narcotics;

b) violates the provisions on advertising and information for narcotics;

c) Storage and retention obligations violated;

d) violates an executive order of the government, the violation of which is declared punishable, or violates an order addressed to him with reference to the threat of punishment under this article.

Art. 27

An officer who accepts an offer of narcotics or receives narcotics personally or through another person for the purpose of an investigation remains unpunished even if he does not disclose his identity and function.

Art. 28

Narcotics that are the object of an act punishable under Articles 20 to 26 shall be confiscated in accordance with Section 26 of the Criminal Code.

Art. 29

The special provisions of the law concerning the circulation of foodstuffs and commodities remain reserved.

V. Final provisions Art. 29a

Fees

1) The government and the Office of Public Health charge fees for permits, inspections and special services.

2) The Government shall regulate the details of the levying of fees by ordinance.

Art. 30

The Princely Decree of July 13, 1982, LGBl. 1982 No. 49, is repealed.

Art. 31

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

IV. Juvenile Court Act (JGG)

from 20 May 1987

I. uptstück General

provisions

§ 1

Assignment of criminal justice over juveniles

1) The administration of criminal justice over juveniles is assigned equally to the administration of criminal justice and to those state measures which aim at the care and protection of juveniles and which seek to provide assistance to juveniles. The administration of criminal justice for juveniles must therefore take into account not only the concerns of criminal justice, but also those of child and youth promotion, child and youth protection and child and youth welfare.

2) Unless otherwise stipulated below, the criminal justice system for juveniles shall be governed by the laws and other regulations generally enacted for the purpose of criminal justice, including the execution of sentences, and by the laws and other regulations generally enacted for the purpose of promoting children and juveniles, protecting children and juveniles, and providing assistance to children and juveniles.

§ 2

Definitions

For the purposes of this Act

1. Minor: anyone who has not reached the age of fourteen;

2. Juvenile: anyone who has reached the age of fourteen but not yet eighteen;

3. Juvenile offense: an act punishable by a court of law committed by a juvenile;

4. Juvenile criminal cases: criminal proceedings against persons who have not yet reached the age of eighteen at the time of the first judicial prosecution, and criminal proceedings for a juvenile offense that come before the court no later than two years after the person reaches the age of eight or ten.

II. ptstück Special

substantive provisions

§ 3

Educational measures

If a juvenile commits an act or omission punishable by a penalty and at least one of the causes thereof was his inadequate upbringing, then, irrespective of whether he is punished or not, the educational measures necessary to remedy the situation and possible and appropriate under the circumstances shall be taken.

§ 4

Coincidence of welfare education and imprisonment

An ordered welfare education shall be suspended for the duration of the execution of the custodial sentence.

§ 5

Impunity of minors and juveniles

1) Minors who commit an act punishable by law are not liable to prosecution.

2) A juvenile who commits an act punishable by a criminal penalty is not subject to a criminal penalty if.

1. for certain reasons he is not yet mature enough to see the wrong of the act or to act according to this view,

2. he commits an offense before reaching the age of sixteen, he is not seriously at fault and the application of juvenile criminal law is not required for special reasons in order to prevent the juvenile from committing criminal acts, or

3. the requirements of Section 42 of the Criminal Code are met.

3) The right to order educational measures within the meaning of § 3 is reserved.

§ 6

Special features of the punishment of juvenile offenses

The general criminal laws shall apply to the punishment of juvenile offenses, unless otherwise provided hereinafter:

1. The main purpose of applying juvenile criminal law is to deter the offender from committing criminal acts.

2. The threat of life imprisonment and the threat of imprisonment for a term of ten to twenty years or life imprisonment shall be replaced,

a) if a juvenile has committed the act after reaching the age of sixteen, the threat of imprisonment from one to fifteen years,

b) otherwise the threat of imprisonment from one to ten years.

3. The threat of imprisonment for a term of ten to twenty years shall be replaced by the threat of imprisonment for a term of six months to ten years.

4. The maximum of all otherwise threatened terms of imprisonment shall be reduced to one-half; no minimum shall be imposed.

5. The maximum and minimum amount of fines and penalties shall be reduced by half, in the case of fines both in terms of the amount and the number of daily sentences, and in the case of penalties in terms of the applicable penalty ranges.

6. The classification of punishable acts according to Section 17 of the Criminal Code and the application of Section 42 of the Criminal Code shall not be based on the threats of punishment changed by subsection 4. Sections 37(2) and 41(2) of the Criminal Code do not apply to juvenile offenses.

7. Sections 43 and 43a of the Criminal Code may also be applied if a custodial sentence of more than two or three years is or would have to be imposed.

8. Legal consequences provided for in statutory provisions shall not occur.

§ 6a

Desist from prosecution

1) The public prosecutor shall refrain from prosecuting a juvenile offence which is punishable only by a fine or by not more than five years' imprisonment or which constitutes one of the offences referred to in section 22a(2)(1) of the Code of Criminal Procedure if further measures, in particular under IIIa. Haupt- stück of the Code of Criminal Procedure in conjunction with Section 6b do not appear to be necessary in order to prevent the suspect from committing further criminal acts. Such action is excluded in any case if the act has resulted in the death of a person.

2) If it appears necessary to instruct the suspect about the wrongfulness of acts such as those reported and their possible consequences, the presiding judge of the juvenile court shall do so at the request of the public prosecutor. If no such instruction is given, the suspect shall be informed that the prosecution has been dispensed with.

3) Under the same conditions, after the initiation of the investigation or the filing of the indictment, the court shall, until the final hearing, initiate proceedings for a criminal offense to be prosecuted ex officio with

Discontinue resolution.

§ 6b

Withdrawal from prosecution according to IIIa. Main Part of the Code of Criminal Procedure (Diver- sion)

1) According to IIIa. Main Part of the Code of Criminal Procedure, the public prosecutor shall proceed in the case of juvenile offenses punishable only by a fine or by imprisonment for not more than five years, or any of the offenses specified in

§ Section 22a(2)(1) of the Code of Criminal Procedure.

unless, for special reasons, the conduct of the criminal proceedings or the pronouncement of a sentence appears indispensable to prevent the commission of criminal acts by others, and the other requirements mentioned in the Code of Criminal Procedure are met. Discontinuation of the proceedings by the court (Section 22b of the Code of Criminal Procedure) is also permissible in the case of other juvenile offenses.

2) The payment of a sum of money (Section 22c of the Code of Criminal Procedure) should only be proposed if it can be assumed that the sum of money will be paid from the suspect's own funds, which the suspect may dispose of freely and without impairing his or her ability to get on.

3) Community service (Section 22e(1) of the Code of Criminal Procedure) may not exceed six hours per day, 20 hours per week, and 120 hours in total.

4) The agreement of the injured party is not a prerequisite for the conclusion of an out-of-court settlement.

5) In the case of compensation for damages and other compensation for offences (sections 22c (3), 22d (3), 22f (2) and 22g (1) of the Code of Criminal Procedure), due consideration shall be given to the juvenile's ability to perform and to ensuring that his progress is not unreasonably impeded.

§ 716

Guilty verdict without penalty

1) If only a minor penalty is to be imposed for a juvenile offense, the court shall refrain from imposing a sentence if it can be assumed that the guilty verdict alone will suffice to deter the offender from committing further criminal acts.

2) A waiver of a penalty shall be justified in the judgment and shall replace the pronouncement of the penalty.

§ 817

Guilty verdict with reservation of punishment

1) The sentence to be imposed for a juvenile offense shall be reserved for a probationary period of one to three years if it can be assumed that the finding of guilt and the threat of the imposition of the sentence alone or in conjunction with other measures will suffice

in order to prevent the offender from committing criminal acts. The probationary period begins when the judgment becomes final.

2) The decision to reserve the pronouncement of the penalty and to determine a probationary period shall be included in the judgment and shall be substantiated. It shall replace the pronouncement of the penalty.

3) The court shall inform the convicted person of the meaning of the verdict of guilt with reservation of the penalty and, as soon as the decision thereon has become final, shall issue to him a certificate stating in simple words the essential content of the decision, the obligations imposed on him and the grounds for which a penalty may be imposed subsequently.

§ 8a

Consideration of special reasons

When applying sections 6a, 7 and 8, it shall also be taken into account whether, for specific reasons, the conduct of criminal proceedings or the pronouncement of a sentence appears indispensable in order to counteract the commission of criminal acts by others.

§ 8b

Subsequent penalty

1) If the offender is convicted again of a criminal offence committed before the expiry of the probationary period, the penalty shall be imposed if, in view of the conviction, this appears necessary in addition to the conviction in order to deter the offender from committing further criminal offences. The penalty may also be pronounced if the lawbreaker willfully fails to comply with an instruction of the court during the probationary period despite a formal warning or persistently evades the influence of the probation officer.

2) If no penalty is pronounced in the case of para. 1, the court shall consider whether measures already ordered are to be maintained or other measures are to be taken.

3) A subsequent pronouncement of a penalty must be made no later than six months after the expiry of the probationary period or after the termination of criminal proceedings pending against the lawbreaker at the time of its expiry. The court shall pronounce a final decision to refrain from imposing a penalty.

§ 8c

Procedure in the event of a subsequent pronouncement of sentence

1) The subsequent pronouncement of the sentence shall require an application by the public prosecutor. In the case of a new conviction, this application shall be decided by the court adjudicating in these proceedings (Section 335a of the Code of Criminal Procedure); otherwise, it shall be decided by the court adjudicating in the first instance after oral proceedings. The hearing and the judgment shall be limited to the question of the penalty and the reasons for its subsequent pronouncement or its omission.

2) The public prosecutor shall have the same right of appeal against the rejection of the motion to impose the penalty as against the imposition of the penalty.

§ 921

Conditional release from a custodial sentence

Section 46(1) to (5) of the Criminal Code shall apply to conditional release from a suspended sentence imposed for a juvenile offence, with the proviso that the minimum period of the sentence to be served shall be one month in each case and that no consideration shall be given to whether enforcement of the sentence is required in order to prevent the commission of criminal acts by others.

§ 10

Early termination of the probationary period

The court may prematurely terminate the probationary period after a verdict of guilty with reservation of the sentence, after a conditional leniency or a conditional release from a custodial sentence imposed for a juvenile offense after the expiry of at least one year and declare the waiver of the sentence, the conditional release final if new facts confirm that the convicted person will not commit any further criminal acts. The probation officer shall be heard before the decision is made.

III. tstück Special Procedural

Provisions

§ 11

Responsibility

1) The juvenile court is responsible for adjudicating juvenile criminal cases in the first instance.

2) On the other hand, when adjudicating a juvenile offense, which is not a juvenile criminal case, the court having jurisdiction under the general rules of procedural law shall intervene.

3) In the case of a plurality of criminal acts committed by the same person, jurisdiction to adjudicate under subsection (1) or (2) shall be based on the date of the first judicial prosecution with respect to the most recent criminal act.

§ 12

Connection of juvenile criminal cases with criminal cases against adults

1) A juvenile criminal case and a criminal case against an adult relating to participation in the same criminal offense shall be heard jointly by the court having jurisdiction over the juvenile criminal case.

2) But if

1. both criminal cases do not relate exclusively or predominantly to participation in the same criminal act,

2. the criminal case against the adult belongs to the criminal court,the criminal case against the adult may be conducted separately.

§ 13

Composition of the juvenile court

The composition of the Juvenile Court is regulated by the Court Organization Act.

§ 14

Demarcation between single judge and senate appointment

1) In all cases in which, according to the general provisions of procedural law, a single judge or the chairman of a senate acts as a single judge or has to hear and decide, a single judge shall also act or the chairman of the juvenile court shall hear and decide as a single judge in juvenile criminal cases.

2) In the senate formation, the juvenile court shall hear or decide all cases of

Cases in which, according to the general provisions of procedural law, se- nate occupation takes place.

§ 15

irrelevance of reduced penalties for questions of competence and occupation

With regard to the jurisdiction and composition of the courts, the reduced penalties under Part II of this Act shall not apply to juvenile criminal cases.

§ 16

Responsibility and procedure for educational measures

1) An educational measure within the meaning of § 3 shall be ordered against a juvenile in juvenile criminal proceedings only in case of urgency. The decision on this shall be included in the decision of the criminal court that ends the criminal proceedings in the first instance. This pronouncement may be challenged on its own only by appeal. However, if the decision is included in a judgment, the appeal against the judgment may also extend to the decision on the educational measure. In all other respects, the provisions of the Code of Criminal Procedure shall apply to the procedure to be followed and the admissibility of any further appeal.

2) Apart from the provisions of subsection 1, the ordering of an educational measure on the occasion of a juvenile offence shall be reserved to the guardianship or caretaker judge in accordance with the procedural provisions applicable to him. The guardianship or care judge shall not be bound by a decision of the criminal court rejecting the educational measure.

3) The court shall decide on the ordering of an educational measure on the occasion of a juvenile offense within the meaning of the provisions of subsections 1 and 2 or on the refraining therefrom ex officio, dutifully taking into account the public welfare and the welfare of the juvenile, without requiring an application or consent for this purpose. However, decisions under subsection 1 may also be requested by the public prosecutor. In any case, however, the court shall hear the Office for Social Services and the juvenile's legal representative on a proposed educational measure before making its decision, unless there is imminent danger.

4) If the public prosecutor withdraws a complaint for the reasons specified in sections 5 and 6a or considers it to be inadmissible for that reason or pursuant to sections 20c, 20d, 20f or 20g StPO

If the court decides to refrain from further prosecution, it shall send a copy or photocopy of the report to the guardianship judge.

§ 17

Expedited handling of juvenile criminal cases

Juvenile criminal cases shall have priority over other criminal court business and shall be handled with special expedition.

§ 18

Restriction of the use of police

1) In juvenile criminal cases, the preliminary proceedings shall be conducted without the involvement of the police, if possible.

2) If in juvenile criminal cases the participation of the police becomes necessary, their organs shall not wear uniforms. In particular, juveniles shall not be accompanied by uniformed police officers.

§ 19

Restriction of pretrial detention

1) Pre-trial detention shall not be imposed on juveniles or shall be continued if the juvenile can be kept with his or her own family or placed with a trustworthy family or in a suitable institution as a less severe measure. Furthermore, pre-trial detention may only be imposed if the

the disadvantages associated with it for the development of the personality and for the progress of the juvenile are not disproportionate to the significance of the act and to the punishment to be expected.

2) A juvenile accused shall in any case be detained if he has already been in pre-trial detention for three months, or six months in the case of a felony, or one year in the case of a felony punishable by a term of imprisonment exceeding five years, without the final hearing having begun. In the latter case, pre-trial detention may be continued beyond six months only if this is unavoidable due to special difficulties or special scope of the investigation with regard to the weight of the reason for detention.

3) The arrest of a juvenile who cannot be released immediately shall be notified without undue delay to a legal guardian or a relative living in the same household as the juvenile, and to

any probation officer appointed for the juvenile and the Office for Social Services. The parent or legal guardian shall not be notified if he or she is charged with participating in the criminal act.

4) During pre-trial detention, juveniles shall be kept away from adult detainees as far as possible. Juvenile prisoners on remand shall be kept busy and, as far as possible and feasible, taught.

§ 20

Special youth surveys

1) The accused's living and family circumstances, his development and all other circumstances that may serve to assess his physical, mental and mental characteristics shall be investigated. Such inquiries shall not be made if, taking into account the nature of the offense, a more detailed examination of the person of the accused appears to be unnecessary. In cases of doubt, the accused shall be examined by a physician or psychologist.

2) In the interests of the accused, the reading of documents relating to these investigations in the final hearing shall be dispensed with in whole or in part if the accused, his legal representative, the public prosecutor and the defense counsel waive the reading. To this extent, the documents may be taken into account when passing judgment. For the rest

to read out the evidence in the absence of the juvenile defendant if there is reason to fear that this will have a detrimental effect on him or her (section 26).

§ 21

Involvement of the Office for Social Services

In juvenile criminal cases, the court may transfer individual or special investigations to the Office for Social Services, unless such a transfer would be opposed by a justified risk of conflict with the other tasks and duties of the Office for Social Services. In particular, this transfer is not permitted if the Office for Social Services participates in the proceedings instead of the legal representative.

§ 21a

Involvement of a trusted person

1) The questioning of a stopped juvenile on the matter and his formal

If the juvenile is questioned by a police officer or the court, a person of trust shall be called in at the juvenile's request, provided this would not unreasonably prolong the detention. The juvenile shall be informed of this right immediately after the arrest.

2) The juvenile's legal representative, a legal guardian, a relative, a teacher, an educator, a representative of the Office of Social Services or the Probation Department may serve as the juvenile's confidant.

3) Any person suspected of involvement in the criminal act or involved in the proceedings may be excluded as a person of trust.

§ 22

Involvement of the legal representative

1) Insofar as the accused has the right to be heard, to present facts and to ask and answer questions or to be called in for investigative actions, this right shall also accrue to the legal representative of a juvenile accused. Insofar as the accused has the right to inspect the criminal files and to make copies of them, this right shall also accrue to the legal representative, unless he or she is accused of involvement in the criminal act.

is suspected. In the case of withdrawal from prosecution or discontinuation of proceedings under IIIa. Main Part of the Code of Criminal Procedure, the legal representative of the suspect shall be given an opportunity to comment before the suspect assumes certain duties.

2) Notifications pursuant to Sections 22c (4), 22d (4), 22f (3) of the Code of Criminal Procedure as well as the preliminary withdrawal from prosecution and the preliminary discontinuation of criminal proceedings pursuant to Sections 22d (1) and 22f (1) of the Code of Criminal Procedure. 1 of the Code of Criminal Procedure, the indictment, the criminal complaint and court decisions by which the juvenile is found guilty of a criminal offence, the sentence is determined, detention is imposed, continued or revoked or a conditional leniency of sentence or conditional release is called for must also be notified to the legal representative if his or her residence is known and located in Germany. Under these conditions, the legal representative may also be informed in accordance with Section 22k of the Code of Criminal Procedure or notified of the order for oral proceedings by adding that his or her attendance is recommended.

3) The legal representative shall be entitled to appoint a defense counsel for the juvenile, even against the juvenile's will, and to exercise all legal remedies and remedies.

§ 23

Involvement of the Office of Social Services in place of the legal representative

1) In juvenile criminal cases, the legal representative may authorize the Office of Social Services to exercise the rights and duties specified in Section 22. The Office for Social Services may refuse such authorization only for important reasons.

2) If a juvenile is ordered to be placed in foster care or foster care, only the Office of Social Services shall be entitled to the rights and obligations arising from section 22 for the duration of this measure, even without a power of attorney.

3) The same is the case if the legal representative is suspected or referred of involvement in the juvenile offense or cannot assist the juvenile in the juvenile criminal proceedings for other reasons.

4) If the court is convinced that the Office for Social Services is to participate in the juvenile criminal proceedings instead of the legal representative, it shall, in order to prevent disadvantages for the juvenile, immediately notify all

Make orders ensuring the involvement of the Office of Social Services in the juvenile delinquency case. These orders may not be challenged by a separate appeal.

§ 24

Special understandings

In juvenile criminal cases, the legal representative or the social services agency acting in his or her place shall be enabled by the court to fulfill his or her rights and obligations by means of appropriate notifications and service of documents.

§ 25

Defense

1) If a juvenile criminal case is to be adjudicated for a crime, the defense of the accused or defendant is necessary. If a defense counsel has not already been appointed, the court shall arrange for the appointment of a defense counsel in due time before the final hearing is scheduled.

2) In misdemeanor and felony cases, the court shall decide, after considering all the circumstances, whether it deems the intervention of a defense counsel to be necessary and, if so, shall make the appropriate orders in a timely manner.

3) For the duration of the pre-trial detention, the defense of the juvenile is necessary in any case.

§ 25a

Participation of the probation officer

If a probation officer has already been appointed to the defendant, the probation officer shall have the right to attend and be heard at the final hearing.

§ 26

Hearing in the temporary absence of the juvenile

1) The court may order that a juvenile defendant be detained during individual discussions at the final hearing, of which a

the court has to leave the hearing room if there is reason to fear an adverse effect on him/her.

2) If new grounds for suspicion have arisen against the accused during his absence, he shall be heard on them after his return, but in any event before the conclusion of the evidentiary proceedings, failing which they shall be null and void. The other discussions held in his absence shall be communicated to him only to the extent necessary to protect his interests in the criminal proceedings.

§ 27

Inadmissibility of the procedure in absentia

A final hearing in the complete absence of the juvenile may not take place in juvenile criminal cases in felony and misdemeanor cases.

§ 28

Exclusion of the public

1) In criminal cases involving juveniles, the final hearing shall be closed to the public either ex officio or on application if this is in the interests of the juvenile. Under the same conditions, the public may also be excluded when the judgment is pronounced.

2) Even if the public is excluded, the legal representative or the social services office involved in the proceedings and a probation officer appointed to the juvenile have the right to be present. The court may also allow other trustworthy persons to be present.

3) The course and content of the final hearing, including the verdict, may be reported to the public only to the extent that

the public has not been excluded. However, even in the case of permissible public reporting, it is not permitted to mention the name of the juvenile or to make it recognizable through references.

§ 29

Instruction at the pronouncement of judgment

1) In juvenile criminal cases, the pronouncement of the sentence shall be accompanied by appropriate instruction and admonition of the convicted person.

2) Retrieved

3) Retrieved

§ 30

Admissibility of penalty orders

Retrieved

§ 31

Special features for the appeal procedure

1) In juvenile criminal cases, an appeal on grounds of nullity may also be filed in favor of the convicted person if

a) applications important for the defense could not be filed because a legally required notification or summons of the legal representative or the Office for Social Services participating in the proceedings on his behalf was omitted;

b) in cases of a necessary defense, the defense counsel was absent at the final hearing, or

c) an inadmissible absence procedure took place.

2) In juvenile criminal cases, appeals may also be filed because of the sentence pronouncement:

a) to the detriment of the convicted person, if a verdict of guilty without penalty has been pronounced or the pronouncement of the penalty has been reserved;

b) in favor of the convicted person, if a verdict of guilty without penalty has not been pronounced or the pronouncement on the penalty has not been reserved.

3) In other respects, the special provisions of this section shall apply mutatis mutandis to the appeal proceedings, unless by their nature they can only be applied to the proceedings at first instance.

4) Paragraphs 1 to 3 shall apply mutatis mutandis to the revision procedure.

§ 32

Costs

1) In juvenile criminal cases, the court may declare the costs of the criminal proceedings to be reimbursed by the convicted person to be wholly or partially irrecoverable even if the obligation to reimburse costs would impede the convicted person's progress.

2) In case of proceedings according to IIIa. of the Code of Criminal Procedure, the lump-sum contribution to costs shall be waived if payment of this amount would impede the juvenile's progress.

§ 33

Execution of custodial sentences

1) During the execution of custodial sentences, juvenile prisoners shall be separated from adult prisoners.

2) Efforts shall be made to ensure that juvenile prisoners can continue any vocational training they have begun even while serving a custodial sentence, insofar as this can be reconciled with the purposes of an orderly execution of the sentence. For this purpose, the juvenile prisoner may be granted a relaxed sentence to the extent necessary, as long as he behaves well and there are no other objections.

3) The same shall apply mutatis mutandis to the commencement of vocational training which a juvenile prisoner decides to undertake during the execution of a custodial sentence with the approval of the court.

4) The time limits for the granting of deferment of execution and other benefits contained in the Penal Execution Act shall not apply to the execution of penal servitude against juveniles, insofar as important educational or training requirements necessitate exceptions.

5) Subsections (2) to (4) shall also apply if the execution of a custodial sentence commenced before the sentenced person reached the age of eighteen continues beyond the said date.

6) The provisions of § 32 shall apply mutatis mutandis to the costs of the execution of the sentence.

§ 33a

Procedural provisions for criminal cases of young adults

Sections 17, 20(1), 21, 21a, 25, 25a, 27, 28, 31(1)(b) and (c), 32 and 33 shall apply

in all cases in which the act was committed before the accused reached the age of 21 or in which the accused had not reached the age of 21 at the time of the procedural act.

IV. pt piece

Supplementary, introductory and transitional provisions

§ 34

Amendment of the Law on the Organization of Courts

The Court Organization Act of April 7, 1922, LGBl. 1922 No. 16, as amended by Act LGBl. 1959 No. 8, is amended as follows:

§ 34ter

1) At the district court, guardianship and conservatorship cases shall be assigned to the same judge together with juvenile criminal cases.

2) If the volume of business or the composition of the Regional Court requires that the business referred to in subsection 1 be divided among several judges, such division shall be effected in such a way that the guardianship, conservatorship and juvenile criminal cases concerning the same person shall remain with the same judge.

§ 35

Entry into force

1) This Act shall enter into force simultaneously with the Criminal Code, subject to the provisions of Section 36.

2) On the day on which this Act enters into force, all provisions of other laws that conflict with it shall cease to have effect, unless otherwise provided for in this Act.

3) In particular, are repealed:

a) of the Act on Proceedings in Juvenile Criminal Matters of December 23, 1958, LGBl. 1959 No. 8, as amended by the Juvenile Act of December 19.

1979, LGBl. 1980 No. 38, Articles 29 to 36 shall take effect immediately and Articles 40 to 45 shall continue to apply provisionally in accordance with the provisions of Section 36 of this Act;

b) of the Act on Amendments to the Code of Criminal Procedure of 27 September 1972, LGBl. 1972 No. 54, Section 319(4)(c).

§ 36

Provisional continuation of previous provisions

1) Articles 40 to 45 of the Act of December 23, 1958, on Proceedings in Juvenile Criminal Matters, LGBl. 1959 No. 8, as amended by the Juvenile Act of December 19, 1979, LGBl. 1980 No. 38, shall continue to apply provisionally until probation assistance institutions within the meaning of sections 50 et seq. of the Criminal Code are established.

2) The occurrence of the condition terminating the provisional further applicability of the statutory provisions specified in subsection 1 shall be announced by the Government in the State Law Gazette.

V. dien Act (MedienG)

from 19 October 2005

I. General part

A. Scope, purpose and definitions Art. 1

Scope and purpose

1) This law applies to all media in Liechtenstein and all media owners subject to the jurisdiction of Liechtenstein, in particular:

a) Media owners established in Liechtenstein pursuant to Art. 2(3) of Directive 2010/13/EU;

b) Media owners using a satellite earth station located in Liechtenstein for the uplink or a satellite transmission capacity belonging to Liechtenstein.

2) This law does not apply to:

a) official publications, insofar as they are exclusively of official content;

b) Media of public-law entities, insofar as special provisions exist for them;

c) Media used in traffic, in domestic, social, cultural, scientific or religious life, in the life of associations, in business life, in the context of the activities of an office or an interest group.

The information is intended to be used as an aid in the representation of the company or in other comparable activities and has no independent publication value.

d) Retrieved

3) This Act is intended to implement, in whole or in part:

a) of Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services ("Audiovisual Media Services Directive";

EEA Law: Annex XI 5p.01);

b) Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (EEA Directive).

Collection of Laws: Anh. XI

5h.01).

Art. 2

Definitions;Designations

1) For the purposes of this Act shall be deemed to include:

1. "Medium" means any technical form of mass communication for the public dissemination of intellectual content in spoken, written, audio or visual form;

1a. "Media content": Communications or presentations with intellectual content in words, writing, sound or images contained in a medium;

2. "Periodical medium" means a medium published in a comparable form on a continuous basis or in continuous issues;

3. "electronic medium" means a medium that is distributed using electronic communication networks, in particular broadcasting and online media;

4. "Online medium" means a medium distributed as an information society service or by means of electronic mail;

4a. "Broadcast-like online medium" means an online medium that is similar in form and content to a broadcast medium, including on-demand audiovisual media services as defined in Art. 1(1)(g) of Directive 2010/13/EU;

5. "Media product" means a carrier of intellectual content reproduced in a mass production process into physical media copies in

Word, writing, sound or image intended for distribution. Media products also include the communications of media agencies reproduced in media copies. In all other respects, the communications of the media agencies shall be deemed to be media regardless of the technical form in which they are delivered;

6. "periodical media product" means a media product which appears under the same name in continuous issues at equal or unequal intervals and the individual issues of which, though each may form a self-contained whole, are related by their content;

7. "Editorial office": the place where the content design of a medium takes place;

7a. "Electronic contact data": all information that enables a quick establishment of contact as well as an immediate and effective communication, in particular telephone and fax number, e-mail address as well as website;

8. "Media company" means a company in which the content design of a medium is procured and its distribution is procured or arranged;

9. "Media agency" means a company that provides media companies with recurring contributions of words, writing, sound or images;

10. "Media owner" means a person who operates a media company or media agency or otherwise has editorial responsibility for a medium;

10a. "editorial responsibility" means the exercise of effective control with respect to the content and distribution of a medium;

11. "Editor of a periodical medium" means a person who determines the basic direction of a periodical medium;

12. "Manufacturer" means a person who procures the mass production of media products;

13. "Media employee" means a person who, in a media enterprise, participates in the internal design of a medium or the communications of a media agency in a journalistic-editorial capacity, provided that, as an employee of the media enterprise or media agency or as a freelance media employee, he or she performs this journalistic-editorial activity on a permanent basis and not merely as an economically insignificant sideline;

14. "Advertising" means any public statement made in order to promote, directly or indirectly, the sale of goods or the provision of services, including immovable property, rights and obligations, to support a cause or idea, or to achieve any other result desired by the advertiser or the media owner, in return for payment or for similar consideration, or for self-promotion, including audiovisual commercial communication as defined in Article 1(1)(h) of Directive 2010/13/EU. Statutory information and communications in the usual form are not considered to be advertising;

15. "Surreptitious advertising" means the mention or representation in the media of goods, services, names, trademarks or activities of a producer of goods or a provider of services if it is intentionally intended for advertising purposes and, in the absence of labeling, may mislead the general public as to its true purpose; in particular, a mention or representation shall be deemed to be intentional if it is made in return for payment or similar consideration;

16. Retrieved

17. "Broadcasting" shall mean the production and distribution of radio or television programs intended for the general public and for simultaneous reception along a broadcasting schedule using electronic communications networks, including such services that are distributed in encrypted form or against a fee.

are receivable for a special fee;

18. "Broadcast program" means a sequence of media content arranged in time according to a broadcast schedule for simultaneous reception;

19. "Full program" means a broadcast program with diverse content in which information, education, advice and entertainment form a significant part of the overall program;

20. "Special-interest program" means a broadcast program with essentially the same type of content;

21. "Broadcast": a content-related, closed, time-limited part of a broadcast program or a broadcast-like online medium;

22. "Broadcaster" means a person who presents a broadcast program under his own responsibility for its content;

22a. "Television broadcaster" means a broadcaster that provides television programming;

23. "Sponsorship" means any contribution by a natural or legal person or a partnership not involved in broadcasting activities or in the production of audiovisual works, to the direct or indirect financing of a program, in order to promote the name, brand, image of the person or perso- company, its activities or its services;

24. "Teleshopping" means the broadcasting of direct offers to the public for the sale of goods or the provision of services, including intangible property, rights and obligations, in return for payment;

24a. "Product placement" means any form of advertising consisting of the inclusion of or reference to a product, service or the corresponding brand in return for payment or similar consideration so that they appear within a program;

25. "scarce resources" means scarce resources as defined by communications law;

26. "Special programming license" means a programming license for media distributed using scarce resources;

27. "Media content offense" means an act committed through the content of a medium and punishable by law.

28. "Sponsored program" means a program for which a sponsorship is provided by a company not located in the

The Company is a public or private enterprise engaged in broadcasting or the production of audiovisual works that has made a financial contribution with the aim of promoting the Company's name, brand, image, activities or services.

2) The designations of profession, function and person used in this Act shall be understood to mean members of the female and male sexes.

B. Rights and Duties of the Media Art. 3

Media freedom

1) The media are free. They serve the free democratic order.

2) The activities of the media, including the establishment of a media company, are exempt from licensing and registration, subject to the following provisions and within the scope of the law.

3) The freedom of the media shall be subject only to the restrictions directly authorized by the Constitution and, within the framework thereof, by the laws. Special measures of any kind that interfere with the freedom of the media are prohibited.

4) Professional organizations of the media with compulsory membership and a professional jurisdiction of the media endowed with sovereign power are prohibited.

Art. 4

Media function

1) The media perform a fundamental social function and thus contribute to comprehensive information and free individual and public opinion-forming.

2) This function requires respect for human dignity, for life, liberty and physical integrity, and for the beliefs and opinions of others.

Art. 5

Right to information of the media

In order to fulfill their function vis-à-vis the authorities, the media shall have the right to information in accordance with special regulations, in particular the Information Act.

Art. 6

Media content

1) Media content must not violate the constitutional order. The provisions of the general laws and the special provisions, in particular for the protection of the personality and of children and young people, must be complied with.

2) In any case, media content that is likely to endanger public peace and order is inadmissible, especially if it:

a) fulfill the objective facts of a judicially punishable act;

b) incite, encourage or condone acts of violence;

c) spitefully insult or disparage organs, institutions or authorities of the state;

d) contain obviously incorrect news, the dissemination of which is likely to endanger essential interests of the state;

e) incite or condone hatred or discrimination based on race, ethnicity, gender, religion or belief, age, disability, sexual orientation or nationality.

Art. 7

Journalistic diligence

1) Journalistic diligence dictates in particular:

a) the preservation of recognized journalistic principles in reporting and information, as well as the obligation to objectivity, especially when using new types of technology;

b) the truthfulness and objectivity of news and reports, as well as their thorough examination as to content, origin and truth prior to their dissemination with the care required by the circumstances;

c) the attachment of a clear reservation when publishing news and reports that have not yet been sufficiently vouched for;

d) The prompt and appropriate correction of facts that have been found to be false; and

e) the clear separation and labeling of reporting and commentary, naming the commentator.

2) When reproducing own opinion polls, explicitly state:

a) Method of implementation;

b) Number of respondents;

c) Representativene

ss.

Art. 8

Responsibility under media law

1) In addition to the provisions of this Act, the provisions of civil law shall apply to civil liability for media content.

2) Criminal liability for media content shall be governed by the general criminal laws, unless otherwise provided in this Act.

3) Furthermore, responsibility for the content of online media is governed by special regulations, in particular the Electronic Commerce Act.

4) Independent obligations to remove media content remain unaffected regardless of the responsibility.

Art. 9

Parliamentary Reporting

Truthful reports of the proceedings in the public sessions of the Diet shall remain free from any responsibility.

Art. 10

Media owner

1) Every media owner of a medium published in Germany must:

a) have his domicile or registered office in Germany, in another contracting state of the EEA or in Switzerland;

b) Be fully capable of acting; and

c) can be prosecuted without limitation.

2) Paragraph 1(b) and (c) do not apply to media by juveniles for juveniles.

Art. 11

Imprint

1) Each medium distributed domestically must contain the following information:

a) Name or company of the media owner and editorial office;

b) in the case of media products, also the name or company of the manufacturer and place of manufacture.

2) Each periodical medium distributed domestically must also contain the following information:

a) Delivery address and electronic contact details of the media owner and readition;

b) Name, delivery address and electronic contact details of the publisher;

c) the relevant regulatory or supervisory authorities, as appropriate.

3) Periodical media that regularly take over parts of the journalistic-editorial content of another medium must also indicate the person responsible for the taken-over part.

4) In the case of broadcast programs, the information pursuant to paras. 1 to 3 shall be published on the broadcaster's website in such a way that it can be easily and immediately found at all times. In addition, the person responsible for the content shall be announced at the beginning or end of each broadcast.

5) The obligation to publish the imprint is incumbent on the media owner, and in the case of media products also on the producer of the medium, to whom the media owner must provide the information required for this purpose.

6) Further statutory duties to provide information, in particular under the German Electronic Commerce Act (Gesetz über den elektronischen Geschäftsverkehr), shall remain unaffected.

Art. 12

Disclosure

1) The media owner of each periodical medium shall publish the information specified in paragraphs 2 to 4. In the case of periodic media products, this publication shall be made in the first issue after the beginning of the calendar year, following the imprint. In the case of electronic media, this information shall be published in the medium itself or in an online medium attributable to it in a manner that is permanently easy to find and immediately accessible.

2) The name or business name, the object of the enterprise, the domicile, registered office or place of business and the nature and amount of the shareholding of the shareholder and, if the shareholder is a company or association, the managing director(s), the members of the management board or the board of directors and the shareholders whose contribution or share capital exceeds 25% shall be stated. If a shareholder is in turn a company, its shareholders must also be listed in accordance with sentence 1. If an indirect shareholding exceeds 50%, such an indirect shareholder shall also be disclosed in accordance with the above provisions.

3) If a person to be specified in accordance with the above provisions is at the same time the owner of another media enterprise or another media agency or has an interest in such enterprises of the type and to the extent specified in subsection 2, the name, business purpose and registered office of such enterprise must also be specified.

4) A statement of the basic direction of the periodical medium shall also be published. For the purposes of Article 20, changes and additions to the basic direction shall become effective only after they have been published.

5) Par. 2 shall apply to an online medium which does not contain any information suitable for influencing public opinion, provided that only the name or company name and, where applicable, the corporate purpose, domicile or registered office of the media owner must be stated. Paragraphs 3 and 4 shall not apply to such media.

Art. 13

Obligation to record and retain data

1) All content of periodic media must be recorded in full and stored for at least four months from the date of publication. If electronic media content is made available for retrieval at any time, the period begins with the last day of provision.

2) Records of media content that is the subject of a judicial or administrative proceeding shall also be retained until the final conclusion of the same.

3) Anyone who can show in writing that they have a legal interest in this may inspect the records and request that multiple copies be sent at their own expense.

Art. 14

Duty to provide information and complaints

1) Upon request, each media company shall provide the name and address of the person directly responsible for a specific content of the medium.

2) Any person or entity may contact the media company with complaints about media content.

3) The fault of the responsible person for the continued dissemination of objectionable media content shall be presumed.

Art. 15

Publication requirement

1) In any periodical medium, upon request of the competent public body, calls and orders of the authorities in cases of crisis and disaster shall be published immediately and free of charge.

2) The publication shall be made without insertions and omissions. An addition must be clearly distinguishable from it.

3) The media owner shall immediately provide proof of publication upon request of the competent public body.

4) The media owner shall not be responsible for correctly reproduced contents of publications pursuant to para. 1. Art. 25 ff. do not apply to such publications.

5) Other publication obligations remain reserved.

Art. 16

Privacy

Media companies, media agencies and their employees may process personal data or have personal data processed insofar as this is necessary for the fulfillment of their tasks under this Act.

Art. 17

Intellectual property law

1) Intellectual property rights in the media sector are governed by special regulations, in particular the Copyright Act.

2) Media owners may not broadcast theatrical feature films at times other than those agreed with the rights holders.

Art. 18

Further rights and obligations

Further statutory rights and obligations of media companies, media owners and other persons active in the field of media shall remain unaffected.

C. Protection of journalism Art. 19

Editorial secret

1) Media owners, publishers of a periodical medium, media employees and employees of a media company or media agency have

the right, in proceedings before a court or administrative authority as a witness, to refuse to answer questions concerning the person of the author, contributor or warrantor of contributions and documents or communications made to them with regard to their activities.

2) The right referred to in paragraph 1 may not be circumvented, in particular by ordering the rightholder to surrender or seize documents, printed works, image or sound carriers or data carriers, images and other representations with such content.

Art. 20

Persuasion Protection

1) Every media employee shall have the right to refuse to cooperate in the content of contributions or presentations that contradict his/her convictions on fundamental issues or the principles of the journalistic profession, unless his/her convictions contradict the fundamental direction of the medium as published in accordance with Article 12 (4). The technical-editorial editing of contributions or presentations by others and the editing of news may not be refused.

2) The media employee must not suffer any disadvantage from a justified refusal.

Art. 21

Protection of contributions drawn by name

If a contribution or performance is changed in a way that affects its meaning, it may only be published under the name of the media employee with his/her consent. The designation with an alias or sign known to be used by the author shall be deemed equivalent to the indication of the author's name.

Art. 22

NoCompulsoryPublication

Articles 20 and 21 do not grant the media employee the right to force the publication of a contribution he or she has written or a performance he or she has helped to create.

Art. 23

Editorial statutes

1) Editorial statutes can be concluded for media companies and media agencies, which regulate the cooperation in journalistic matters as well as the general journalistic principles.

2) An editorial statute shall be agreed between the media owner and the editorial assembly. In order to be effective, the agreement shall require the approval of the editorial meeting, which shall be granted by a majority of at least two-thirds of its members. All permanently employed media staff members belong to the editorial assembly.

D. Protection of personality Art. 24

Principle

Unless otherwise stipulated below, the protection of personality in the area of the media shall be governed by the general laws.

Art. 25

Right of reply

1) If a natural or legal person or an authority is directly affected in their personality by factual representations in a periodical medium, they have a right of reply.

2) Factual statements are statements which, by their nature, are verifiable as to their accuracy and completeness and whose essential message does not consist of a personal expression of opinion, a valuation or a warning about the behavior of another person.

Art. 26

Subsequent notification of the outcome of criminal proceedings

1) Upon the request of a person about whom it has been reported in a periodical medium that he or she is suspected of a judicially punishable act or that criminal proceedings have been instituted against him or her, if the public prosecutor has withdrawn the complaint or the criminal proceedings have been terminated otherwise than by a convicting finding, a notice thereof shall be published in the periodical medium free of charge.

2) The correctness of a subsequent notification shall be proved by submitting a copy of the decision terminating the proceedings or by a special official certificate. The public prosecutor shall be obliged to issue such an official certificate upon request in the case of a dismissal of the complaint, otherwise the district court shall be obliged to do so.

Art. 27

Form and content

1) The content of the counterstatement or subsequent communication shall be limited in concise form to the subject matter of the representation complained of or the outcome of the proceedings concerned. It must not be obviously incorrect or contrary to law and morality.

2) The counterstatement or subsequent communication shall be written in the language of the publication to which it refers.

3) If the publication of a still or moving image or an audiovisual contribution is requested, a suitable data carrier may be enclosed or the corresponding data may be transmitted electronically.

Art. 28

Publication request

1) The person concerned must send the text of the counterstatement or subsequent notification to the media owner or the editorial office of the media company:

a) within four weeks of becoming aware of the disputed factual presentation, but no later than three months after the last publication;

b) within three months of becoming aware of the withdrawal of the complaint or the termination of the proceedings.

2) The media owner shall inform the party concerned without delay, but no later than one week after receipt of the publication request, when and where the publication of the counterstatement or subsequent notification will take place, or why it is refused. Violation of this obligation to make a statement shall be deemed a refusal to publish.

Art. 29

Publication

1) The counterstatement or subsequent notification shall be published without insertions and omissions in the same form as the factual statement as soon as possible, in such a way that it reaches the same group of persons and has the same publication value as the factual statement concerned.

2) The same publication value is ensured if the counterstatement is

or subsequent notification:

a) in a periodical media product has the same degree of conspicuousness overall, in particular with regard to placement and graphic design, as the factual representation concerned;

b) on the radio by reading out the text by a speaker in the same program and at the same broadcasting time as the factual presentation concerned;

c) is offered in an online medium in a comparable form and in the same place as the factual presentation concerned or in direct and clearly recognizable connection with it for at least one month longer than the factual presentation concerned.

3) A counterstatement or subsequent notification shall be published in the form of a still or moving image or an audiovisual contribution, provided that the factual representation has been disseminated in the same manner and the legal protection sought can only be achieved with this form of publication.

4) The counterstatement must be designated as such; the media company may only add a statement as to whether it adheres to its statement of facts or on which sources it relies. Such an addition must be clearly separated from the counterstatement.

5) The publication of the counterstatement or subsequent notification shall be made without costs for the party concerned, and in the case of electronic media also without retrieval fees for consumers.

Art. 30

Exclusion of the obligation to publish

There is no obligation to publish the counterstatement or subsequent notification if:

a) it concerns a truthful report on public hearings of a public authority and the person concerned participated in the hearings;

b) it is obviously incorrect or contrary to law and morality;

c) it concerns a statement of fact which there was a legal obligation to publish;

d) an equivalent journalistic-editorial review or supplement has already been published prior to its receipt; or

e) it is not received by the media proprietor or the editorial office of the media company within the time limits specified in Art. 28 Para. 1; the days of postal circulation shall not be included in the time limit.

Art. 31

Procedure

1) If the media proprietor prevents the exercise of the right of reply or subsequent notification, refuses to publish the reply or subsequent notification or does not publish it correctly, the person concerned may file an application for a reply or subsequent notification with the Regional Court within four weeks of receipt of the statement by the media proprietor, the unsuccessful expiry of the deadline for making a statement (Art. 28 Para. 2) or the incorrect publication.

2) The procedure for applications for counterstatement or subsequent notification shall be conducted in accordance with the following paragraphs in the non-contentious procedure.

3) A hearing for oral proceedings shall be ordered for motions filed in due time. When scheduling the first and any subsequent hearings and when setting time limits, special consideration shall be given to the urgency of the matter.

4) Applications filed late shall be rejected ex officio without a hearing. Restitutio in integrum against the failure to observe the time limit for filing the applications shall not be admissible.

Art. 32

Defamation, insult, mockery and false suspicion

1) If the objective facts of defamation, insult, ridicule or false suspicion are established in a medium, the person concerned is entitled to compensation from the media owner for the grievance suffered.

2) The entitlement under para. 1 does not exist if:

a) it is a truthful report of a hearing in a public session of the Diet;

b) in the case of defamation:

1. the publication is true; or

2. there is an overriding interest of the public in publication.

and that there were sufficient reasons to believe the allegation to be true, even if due journalistic care had been exercised;

c) it concerns statements made by third parties in a live broadcast on the radio without the media owner or one of its employees or agents having disregarded due journalistic care;

d) it is a matter of third-party content in an online medium without the media owner or one of its employees or agents having failed to exercise due diligence; or

e) it is a truthful reproduction of the statement of a third party and there was an overriding public interest in knowing the quoted statement.

3) If the publication relates to the highly personal sphere of life, the claim under para. 1 is excluded only on the grounds of para. 2(a), para. 2(b)(1), para. 2(c) or para. 2(d), but in the case of para. 2(b)(1) only if the published facts are directly related to a public activity.

Art. 33

Violation of the most personal sphere of life

1) If the highly personal sphere of a person's life is discussed or portrayed in a way that is likely to expose him or her to the public, the person concerned shall be entitled to compensation from the media owner for the offence suffered.

2) The entitlement under para. 1 does not exist if:

a) it is a truthful report of a hearing in a public session of the Diet;

b) the publication is true and directly related to a public activity;

c) it concerns statements made by third parties in a live broadcast on the radio without the media owner or one of its employees or agents having disregarded due journalistic care;

d) it is a matter of third-party content in an online medium without the media owner or one of its employees or agents having failed to exercise due diligence; or

e) according to the circumstances, it could be assumed that the person concerned was involved with the

publication was agreed.

Art. 34

Protection from disclosure of identity

1) If the name, picture or other details are published in a medium which are likely to lead to the identity of a person who has been the victim of a judicially punishable act or is suspected of a judicially punishable act or has been convicted of such an act becoming known to a larger circle of persons who are not directly informed, and if the interests of this person that are worthy of protection are thereby violated without there having been an overriding interest of the public in the publication of this information because of his or her position in the public, because of another connection with a public activity or for other reasons, the person concerned shall be entitled to compensation from the media owner for the offence suffered.

2) Interests worthy of protection of the person concerned are violated in any case if the publication:

a) is likely to cause an interference with the most personal sphere of life or an embarrassment of the victim of a judicially punishable act;

b) relates to a minor suspect or convict or to a judicially punishable act that is only a misdemeanor or infraction;

c) may disproportionately affect the progress of the suspect or convicted person.

3) The entitlement under para. 1 does not exist if:

a) it is a truthful report of a hearing in a public session of the Diet;

b) the publication of the personal data was officially initiated, in particular for the purposes of criminal justice or security police;

c) the person concerned agreed to the publication or it is based on a communication from the person concerned to a medium;

d) it concerns statements made by third parties in a live broadcast on the radio without the media owner or one of its employees or agents having failed to exercise due journalistic care; or

e) third party content in an online medium without the media owner or one of its employees or agents having failed to exercise due care.

Art. 35

Protection of the presumption of innocence

1) If a person who is suspected of a judicially punishable act but has not been finally convicted is presented in a medium as convicted or guilty or is described as the perpetrator of this punishable act and not merely as a suspect, the person concerned shall be entitled to compensation from the media owner for the offence suffered.

2) The entitlement under para. 1 does not exist if:

a) it is a truthful report of a hearing in a public session of the Diet;

b) it is a truthful report of a criminal judgment of the first instance, expressing that the judgment is not final;

c) the person concerned has admitted the offense publicly or to a medium and has not revoked this;

d) it concerns statements made by third parties in a live broadcast on the radio without the media owner or one of its employees or agents having disregarded due journalistic care;

e) it is a matter of third-party content in an online medium without the media owner or one of its employees or agents having failed to exercise due diligence; or

f) it is a truthful reproduction of the statement of a third party and there was an overriding public interest in knowing the quoted statement.

Art. 36

Protection against prohibited publication

1) If a notice is published in a medium about the content of recordings, images or written recordings from the interception of an electronic communication without insofar

of the recordings or of the images and written recordings in public final proceedings, each person concerned shall have the right to make use of the recordings or of the images and written recordings in public final proceedings,

whose interests worthy of protection have been violated, is entitled to compensation from the media owner for the insult suffered.

2) In the cases mentioned in Art. 34 par. 3, there is no entitlement under par. 1.

Art. 37

Amount of compensation

The amount of compensation under Articles 32 to 36 shall be determined in accordance with the scope and impact of the publication, including in particular the nature and extent of the medium's circulation.

Art. 38

Procedure

1) The claim for an amount of compensation under Articles 32 to 36 may be asserted by the person concerned in the criminal proceedings in which the media owner is involved as a defendant or under Article 54, paragraph 1, according to

§ Section 32 of the Code of Criminal Procedure as a private party.

2) If such criminal proceedings do not take place, the claim may be asserted by means of an action under civil law. If the claim is otherwise lost, the action must be brought before the Regional Court within six months of the dissemination on which the claim is based. At the request of the claimant, the hearing must be closed to the public if facts relating to the most personal sphere of life are discussed.

3) If a person concerned is entitled to compensation on the basis of a publication under several provisions, a single amount of compensation shall be determined; the coincidence of the claims shall be taken into account in the determination.

4) In the judgment awarding compensation in accordance with Articles 32 to 36, publication of the judgment shall be ordered at the request of the person concerned; Article 48 shall apply mutatis mutandis.

Art. 39

Prohibition of television, radio, film and photo recordings

Television and radio recordings and transmissions as well as film and photo recordings of court hearings are not permitted.

E. Advertising Art. 40

Mandatory labeling

1) Announcements, recommendations and other contributions and reports for the publication of which a fee or similar consideration is demanded, promised or provided must be clearly marked as "advertisement", "paid insertion" or "advertising" in all media, unless they can be clearly identified as paid publications by their arrangement and design.
2) Advertising must be clearly separated from the other content of a medium by suitable means, in particular by optical means, and in broadcasting also by acoustic means. Even when new advertising techniques are used, advertising must be clearly separated from other media content by optical or acoustic means or spatially in a manner appropriate to the medium.

Art. 41

Advertising principles

1) Advertising may not:

a) violate human dignity;

b) discrimination, in particular on the basis of race, ethnicity, gender, religion or belief, age, disability, sexual orientation or nationality;

c) violate religious or political beliefs;

d) Promote behaviors that endanger health or safety;

e) Promote behaviors that pose a high risk to the protection of the environment;

f) encourage unlawful practices;

g) mislead and harm the interests of consumers;

h) contradict the principles of child and youth protection.

2) Prohibited without exception are:

a) the use of subliminal techniques and unfair methods;

b) Surreptitious advertising and related practices.

3) Advertisers or advertising agencies may not exert editorial influence on the remaining content of a medium.

Art. 42

Advertising bans

1) Banned in all media:

a) Advertising for drugs, medical devices and therapeutic treatments that are available only on medical prescription;

b) Advertising of alcoholic beverages, provided that:

1. it is specifically directed at minors and in particular depicts minors drinking alcohol;

2. a link is established between an improvement in physical performance with alcohol consumption or driving a motor vehicle and alcohol consumption;

3. the impression is created that alcohol consumption promotes social or sexual success;

4. it suggests a therapeutic, stimulating, calming or conflict-solving effect of alcohol;

5. intemperance in the consumption of alcoholic beverages is promoted or abstinence or moderation are portrayed negatively;

6. the level of alcohol content of beverages is highlighted as a positive feature.

2) On the radio are also prohibited any form of:

a) Retrieved

b) political or religious advertising; and

c) Teleshopping for medicinal products that may only be marketed in the European Economic Area with an authorization pursuant to the Act on the Marketing of Medicinal Products, as well as for medical treatment.

3) Excluded from paragraph 1(a) are media intended exclusively for persons working in the respective industry.

4) Advertising for medicinal products, medical devices and therapeutic treatments available without a medical prescription must be clearly recognizable as such, honest, truthful and verifiable. It must not harm people.

5) The government may, by ordinance, impose further restrictions on advertising for all or individual types of media in the interest of health and consumer protection as well as the protection of children and young persons.

6) Further legal advertising prohibitions or restrictions remain unaffected.

Art. 43

Child and youth protection

1) Advertising must not cause physical or mental harm to minors. It may therefore:

a) do not make direct appeals to minors to buy or rent goods or services, taking advantage of their inexperience and credulity;

b) Do not directly encourage minors to persuade their parents or third parties to purchase the advertised product or service;

c) not exploit the special trust minors have in parents, teachers or other trusted persons;

d) Do not show minors in dangerous situations without just cause.

2) Broadcasters and providers of on-demand audiovisual media services shall adopt guidelines for advertising in and during children's programs in accordance with Art. 9(2) of Directive 2010/13/EU and publish them in an easily, directly and permanently accessible manner.

3) In all other respects, the special provisions of child and youth protection legislation apply.

Art. 44

Other forms of advertising

The provisions of Articles 40 to 43 shall apply mutatis mutandis to other forms of advertising; this shall apply in particular to teleshopping, sponsorship and product placement on the radio.

F. Media Content

Offenses Art.

45

Principle

1) Unless otherwise specified in this Act, the general criminal laws shall apply to media content offenses.

2) The provisions of the Code of Criminal Procedure shall apply to criminal proceedings and independent proceedings for a media content offense, unless otherwise provided for in this Act.

Art. 46

Perception of journalistic diligence

1) The media owner or a media employee shall not be punished for a media content offense in which proof of truth is admissible, not only if proof of truth has been furnished, but also if there was an overriding interest of the public in the publication and there were sufficient reasons for the media owner or media employee to believe the allegation to be true, even if he or she exercised due journalistic care. However, the media owner or a media employee is not to be punished for a media content offense that concerns the most personal sphere of life only if the allegation is true and directly related to a public activity.

2) Such evidence shall be admitted only if the accused invokes it. In the cases referred to in subsection 1 sentence 1, the court shall also take the evidence of truth offered and admissible by the accused if it assumes the fulfillment of the journalistic duty of care as proven.

3) If the accused is acquitted only because the conditions specified in the first sentence of paragraph 1 are met, the court shall, applying Article 48 mutatis mutandis, order publication of the finding that the evidence of truth has not been adduced or has failed and order the accused to bear the costs of the criminal proceedings, including the costs of such publication.

4) Sections 111(3) and 112 of the Criminal Code shall not apply.

Art. 47

Collection

1) In a criminal judgment for a media content offense, at the request of the prosecutor, the confiscation of the media copies intended for distribution or the deletion of the passages of an online medium that constitute the criminal offense shall be ordered (confiscation).

2) At the request of the prosecutor or the person entitled to bring charges, confiscation shall be ordered in independent proceedings if the objective facts of a criminal offense have been established in a medium and the prosecution of a particular person is not feasible, is not requested or is not maintained, or the conviction is not possible for reasons that preclude punishment. If the perpetrator would not have been convicted if the truth had been established

If the media owner is liable to prosecution, this evidence shall also be available to the media owner as a party (Art. 54 Para. 1) in accordance with Art. 46.

3) The confiscation is inadmissible if it was a reproduction of the statement of a third party within the meaning of Art. 32 para. 2 let. e.

4) The right of the person entitled to private prosecution to request confiscation in independent proceedings shall expire after six weeks from the day on which he became aware of the criminal act and the fact that no particular person can be prosecuted or convicted.

5) Instead of confiscation, the media owner shall be ordered, at his request, to ensure within a short period of time to be set by removing or obscuring parts of the content or in another suitable manner that the passages constituting the punishable act are no longer perceptible in the event of further dissemination of the medium.

6) If confiscation is recognized in independent proceedings, the costs of the proceedings shall be borne by the media owner.

Art. 48

Judgment Publication

1) In a criminal judgment for a media content offense, at the request of the prosecutor, publication of those parts of the judgment shall be ordered whose communication is necessary for informing the public about the offense and its conviction. The parts to be published

of the judgment shall be stated in the judgment. The court may replace the wording of parts of the judgment with a condensed version if this appears necessary to make the contents of the judgment easier to understand or to limit the scope of publication.

2) In the case of a false suspicion, a criminal offense against honor, or if another offense punishable by law relates to circumstances or facts of private or family life, a judgment may be published only with the consent of the injured party, even if authorization is not required or has already been granted for the prosecution of the criminal offense.

3) At the request of the prosecutor or the person entitled to bring charges, a judgment shall be pronounced in a separate proceeding if the objective facts of a criminal offense have been established in a me- dium and prosecution of a particular person is not feasible, not requested

or is not upheld or the conviction is not possible for reasons that preclude punishment. The second sentence of Article 47(2) and Article 47(4) shall apply.

4) The publication of the judgment is inadmissible if it was a reproduction of the statement of a third party within the meaning of Art. 32 para. 2 letter e.

5) If the media content offense has been committed in a periodical medium, the publication of the judgment shall be made in this medium in analogous application of Art. 29, and the publication shall be made as soon as the judgment has become final and has been served.

6) Publication in another periodical medium shall be ordered if the periodical medium in which the media content offense was committed no longer exists or if the media content offense was committed in a medium other than a periodical medium or in a foreign medium. The costs of such publication of a judgment shall be included in the costs of the criminal proceedings.

7) If publication of the judgment is ordered in separate proceedings, the costs of the proceedings shall be borne by the media owner.

Art. 49

Repealed

Art. 50 *Seizure*

1) The court may order the seizure of the copies of a media product intended for distribution or the deletion of the posts of an online medium that constitute the criminal act (seizure) if it can reasonably be assumed that confiscation will be recognized under Art. 47 and if the adverse consequences of the seizure are not disproportionately greater than the interest in legal protection that the seizure is intended to serve.

2) Seizure presupposes that criminal proceedings or independent proceedings for a media content offense are being conducted or initiated at the same time, and that the prosecutor or applicant in the independent proceedings expressly requests seizure.

3) The decision ordering the seizure shall specify the location or presentation of the medium and the suspected criminal offense.

act, the seizure is ordered. Art. 47 par. 5 applies mutatis mutandis.

4) The decision on seizure may be appealed to the higher court. The appeal does not have a suspensive effect.

Art. 51

Prohibition of distribution and publication

During the period of seizure and after confiscation, the further distribution of the medium in a form in which the punishable content is perceptible and the renewed publication of the passage or performance that constitutes the punishable act is prohibited.

Art. 52

UnlawfulSeizure

Damage resulting from unlawful seizure may be claimed by the media owner under the Public Liability Act.

Art. 53

Place of the inspection

1) For media content offenses, the place of offense shall be the domicile, residence or registered office of the media owner.

2) However, if the places referred to in para. 1 are located abroad or are unknown, the place from which the medium was first distributed domestically and subsidiary shall be deemed to be the place of commission of a media content offense:

a) in the case of a media product, the place of manufacture in Germany;

b) in the case of electronic media, the domicile or residence of the perpetrator or the perpetrator in Germany.

3) Notwithstanding subsections (1) and (2), the place of commission of a media content offense committed in a film shall be any place where the film has been publicly screened in Austria.

Art. 54

Supplementary procedural provisions

1) In criminal proceedings and independent proceedings due to a media content de- lict, the media owner shall be summoned to the final hearing. He has the rights of the accused; in particular, he has the right to present all defenses as the accused and to challenge the judgment on the merits. However

the proceedings and the passing of the judgment shall not be suspended by his non-appearance; nor may he appeal against a judgment passed in his absence. § Section 354 (1) of the Code of Criminal Procedure remains unaffected.

2) The decisions on confiscation and publication of judgment shall form parts of the sentence pronouncement and may be appealed in favor of and to the detriment of the convicted person or the media owner.

II. Special part

A. Broadcasting

1. General provisions

Art. 55

Diversity of opinion

Every broadcaster of a general-interest program or of a special-interest program which forms opinions in a particular way shall ensure that the diversity of opinions is essentially expressed in the program; it shall be ensured that the significant political and social forces and groups have their say in an appropriate manner. The program shall not unilaterally serve one party or group, one profession, one community of interest, one creed or one ideology; views of minorities shall be taken into account. This shall not affect the possibility of offering special-interest programs under this Act.

Art. 56

Independence of the program, program cooperation

1) The broadcaster must produce an appropriate proportion of its own journalistic and editorial programming. In assessing the appropriateness of a program, particular consideration shall be given to the proportion of the journalistic and editorial content of the program which is produced by the broadcaster itself and, in particular, to the proportion of spoken contributions contained therein, to the economic situation of the broadcaster and to the extent of a general program or other parts of the program which have been taken over from another broadcaster or a third party. As a rule, appropriateness shall be deemed to be given if the proportion of the broadcasting time in accordance with sentence 2, based on the respective area of distribution, amounts to an average of 10% per week.

2) Broadcasters may, within the provisions of this Act.

enter into agreements with other broadcasters and with third parties on the supply of a general program and other parts of programs, provided that this does not impair the independence of the program pursuant to subsection 1. The responsibility of the broadcaster for the content shall also extend to the program parts taken over.

The broadcaster shall be entitled to refrain from broadcasting the program listings at any time and to replace them with other program sections; this shall only apply to advertising if it violates the relevant provisions of this law or other legal regulations.

Art. 56a

Barrier free access

1) Broadcasters should gradually make their programs accessible to the hearing and visually impaired through appropriate measures.

2) The promotion of measures under paragraph 1 by the community is governed by the legislation on the equality of persons with disabilities.

Art. 57

Brief reporting

1) The right to broadcast free of charge short news reports on events and occurrences which are open to the public and of general informational interest shall be granted to any broadcaster licensed in a State party to the EEA or to the European Convention on Transfrontier Television for its own broadcasting purposes. This right shall include the right of access, short-duration live transmission, recording, exploitation into a single contribution and retransmission subject to the conditions set out in the following paragraphs.

2) Other statutory provisions, in particular those relating to copyright and the protection of personal rights, shall remain unaffected.

3) Free brief reporting is limited to brief news reporting appropriate to the event. The permissible duration is determined by the length of time necessary to convey the newsworthy information content of the event or occurrence. If short reports on events of a comparable nature are summarized, the news-like character must also be preserved in this summary.

4) The right to short reporting must be exercised in such a way that avoidable disruptions to the event are avoided.

remain. The organizer may restrict or exclude the transmission or recording if it can be assumed that otherwise the staging of the event would be called into question or the moral sensibilities of the event participants would be grossly violated. The right to short reporting is excluded if there are reasons of public safety and order and these outweigh the public interest in the information. Furthermore, the organizer's right to exclude the transmission or recording of the event as a whole remains unaffected.

5) For the exercise of the right to short reporting, the organizer may charge the generally provided admission fee; otherwise, the organizer shall be reimbursed for its necessary expenses incurred by the exercise of the right.

6) For the exercise of the right to short reporting on professionally conducted events, the organizer may demand an equitable fee corresponding to the character of the short reporting. If no agreement is reached on the amount of the fee, arbitration proceedings pursuant to Sections 594 et seq. of the Code of Civil Procedure shall be agreed. The absence of an agreement on the amount of the fee or on the conduct of arbitration proceedings shall not preclude the exercise of the right to short reporting; the same shall apply to a legal dispute already pending on the amount of the fee.

7) The exercise of the right to short reporting requires the broadcaster to register with the event organizer no later than ten days prior to the start of the event. The broadcaster must inform the registering broadcasters no later than five days before the start of the event whether there are sufficient spatial and technical possibilities for transmission or recording. In the case of events at short notice and events, the registrations must be made at the earliest possible time.

8) If the space and technical conditions are not sufficient for all applications to be taken into account, those broadcasters who have concluded contractual agreements with the event organizer or the event carrier shall have priority. In addition, the broadcaster or the event organizer has a right of selection. In the first instance, those broadcasters who ensure comprehensive coverage of the country are to be considered.

9) Broadcasters who provide short news coverage are obliged to transmit the signal and the recording directly to those broadcasters who provide short news coverage.

The broadcaster is obliged to make available to broadcasters who could not be admitted, in return for reimbursement of the reasonable expenses incurred.

10) If the organizer or the sponsor of an event enters into a contractual agreement with a broadcaster for coverage, it must ensure that at least one other broadcaster can provide brief coverage.

11) The parts not used for short reporting must be destroyed no later than three months after the end of the event; the destruction must be communicated in writing to the relevant organizer or bearer of the event. The period shall be interrupted by the exercise of legitimate interests of third parties.

Art. 58

Exclusive rights to events of significant social importance

1) In the event that a broadcaster has acquired exclusive broadcasting rights to an event of major importance to society which is included in a list published in accordance with subsection 2, it shall not exercise such exclusive broadcasting rights in such a way as to deprive a significant section of the public in a State party to the EEA or to the European Convention on Transfrontier Television of the opportunity to receive the events designated by that State in accordance with subsection 2 as a total or partial live coverage or, where necessary or appropriate in the public interest for objective reasons, as a total or partial deferred coverage on free-access television. 2 or, where necessary or appropriate in the public interest for objective reasons, as deferred coverage of the whole or part of an event on free television as determined by the State in accordance with paragraph 2.

2) An event of significant social importance is an event that is included in the following lists:

a) List of a Contracting State to the EEA published in the Official Journal of the European Union in accordance with Art. 14 (1) and (2) of Directive 2010/13/ EU; or

b) List of a Party to the European Convention on Transfrontier Television published by the Standing Committee in accordance with Article 9bis(3) of that Convention.

3) A broadcaster shall also comply with the obligation under subsection 1,

if it is demonstrably and reasonably possible to do so on the basis of the

The broadcaster has endeavored to provide free-access reception of the event in question on reasonable market terms as defined by a state party to the EEA or the European Convention on Transfrontier Television.

3a) For the purposes of this Act, free-access broadcasting shall mean broadcasting which can be received without additional and regular payments for the use of technical equipment for decoding. For the purposes of this paragraph, additional payments shall not include the payment of broadcasting fees, a connection fee to a cable network and the basic cable fee payable to a cable network operator.

4) In cases of dispute as to the extent of the obligation under subsection 1 and the adequacy of the conditions under subsection 3, the parties shall agree in due time before the event on arbitration proceedings in accordance with sections 594 et seq. of the Code of Civil Procedure; if the agreement on arbitration proceedings is not reached for reasons for which the broadcaster or the third party is responsible, the transmission shall be deemed not to have been made possible on reasonable conditions.

5) In the event of repeated and serious violations of Paragraph 1 by a broadcaster, the licensing authority may revoke the programming license.

5a) A broadcaster who has not fulfilled his obligation under subsection 1 to a sufficient extent may be held liable for damages in accordance with the provisions of civil law. The claim for damages shall also include compensation for lost profits.

2. Programming Concession

Art. 59

Principle

1) The broadcasting of terrestrial or satellite radio or television programs requires a programming license. The programming licence shall be granted if all the requirements under this Act are met.

2) The programming license is granted for:

a) the type of program (radio, television);

b) the program category (full or special-interest program); in the case of special-interest programs, also for the main content.

3) The programming license is granted for a specified period of time, but not more than

for a period of ten years. An extension is permissible.

4) The programming license is not transferable. A transfer of the programming license shall be assumed if more than 50% of the capital or voting rights are transferred to other shareholders or third parties within a period of three years since the license was granted and this is equivalent to a change of broadcaster under the overall circumstances, in particular in the case of a significant change in the programming concept or a change in the program name.

5) The broadcaster shall notify the licensing authority in writing of any planned changes in shareholdings or other influences prior to their implementation. The licensing authority shall confirm that the changes are unobjectionable if they do not amount to a transfer of the license and the broadcaster could be granted a license even under the changed conditions.

6) No programming license is required for the broadcasting and distribution of programs in institutions, in particular lodging establishments, hospitals, homes or institutions, if the programs can only be received there and are functionally related to the tasks to be performed in these institutions and their distribution is limited to one building or one building complex.

7) The government may determine the levying of an appropriate annual concession fee by ordinance.

8) Communication law requirements remain unaffected.

Concession requirements

Art. 60

a) Personal requirements

1) A programming license may be granted to natural persons or legal entities as well as partnerships under private law with legal capacity which are established in Austria, in another state party to the EEA or in

have their domicile or registered office in Switzerland and can be prosecuted in court.

2) The granting of a programming license requires that the applicant or its legal or statutory representative:

a) has unrestricted capacity to act;

b) guarantees that it will broadcast and distribute the program in accordance with the license and in compliance with the legal requirements.

3) A stock corporation may be licensed as a broadcaster only if the Articles of Incorporation stipulate that the shares may only be issued as registered shares or non-voting preferred shares.

4) A program license may not be granted to:

a) Members of the state parliament or government;

b) political parties;

c) Members of a governing body or executive employees of a legal entity under public law;

d) Members of a governing body or employees of Liechtensteinischer Rundfunk;

e) Persons who have a dominant market position with one or more periodical media in Liechtenstein or who hold the majority of the capital or voting rights in such an enterprise or in which such enterprises hold more than 25% of the capital or voting rights or otherwise exercise a significant influence on the media content, as well as persons who participate in such an enterprise in an executive position.

5) Entities, persons or companies legally or economically dependent on them shall be deemed to be equivalent to persons pursuant to paragraph 4.

6) The applicant shall disclose its ownership and fiduciary relationships as well as all legal relationships with broadcasters and companies in media-relevant markets. The licensing authority must be notified in writing of any planned changes in shareholdings or other influences prior to their implementation.

Art. 61

b) Factual requirements

1) In order to be awarded a license, a program schedule must be submitted which also provides information on the type and scope of the planned takeover of program elements from public broadcasters, private broadcasters and third parties, as well as on the type and scope of the planned editorial contributions, including those relating to events in the planned broadcasting area:

a) the financial and organizational prerequisites for the regular organization and dissemination of a program of the requested program type and program category are met;

b) the program, unless it is merely a special-interest program, will contain the proportion of editorially self-produced programs specified in Art. 56 and such programs as relate to the planned area of distribution, insofar as this can be expected in view of the nature of the program; and

c) the program is produced to an appropriate extent in Liechtenstein, another contracting state of the EWRA or Switzerland.

2) Subject to Art. 81, the applicant must also provide evidence that it has the necessary resources for dissemination.

Art. 62

Concession process

1) The application for a programming license must be submitted in writing to the licensing authority.

2) The applicant shall make all statements, provide all information and submit all documents necessary for the examination of the concession application.

3) The duty to provide information and the obligation to submit documents extend in particular to:

a) a description of the direct and indirect shareholdings within the meaning of Art. 12 Para. 2 in the applicant, as well as the capital and voting rights of the applicant and its affiliated companies;

b) the memorandum or articles of association of the applicant;

c) Agreements existing between the applicant and parties directly or indirectly involved in the applicant within the meaning of Art. 12 Par. 2 and relating to the joint provision of broadcasting services as well as to fiduciary relationships;

d) evidence of the necessary resources for dissemination, subject to Art. 81;

e) a written declaration by the applicant that the documents and information submitted are complete and correct.

4) If the facts that are relevant to the examination in the course of the licensing procedure relate to operations outside the scope of this Act, the licensee shall be notified accordingly.

the applicant must clarify these facts and obtain the necessary evidence. In doing so, he/she must exhaust all legal and factual possibilities available to him/her. The applicant may not plead that he/she is unable to clarify the facts or obtain evidence if he/she could have obtained the opportunity to do so or had the opportunity granted to him/her under the circumstances of the case.

5) The obligations under paras. 2 to 4 shall apply mutatis mutandis to natural and legal persons or partnerships that have a direct or indirect interest in the applicant within the meaning of Art. 12 para. 2 or that have an affiliated company relationship with the applicant or can exert other influences on the applicant.

6) If a party required to provide information or to submit documents fails to comply with its obligations to cooperate within a period specified by the licensing authority, the license application may be rejected.

7) Those required to provide information and to submit documents within the framework of the licensing procedure are obliged to notify the licensing authority without delay of any change in the relevant circumstances after the application has been submitted or after the licence has been granted. Art. 59 paras. 4 and 5 remain unaffected.

Art. 63

Concession document

In the event of the legally valid granting of a programming license, the applicant shall be issued a license document on the type, scope and content of the programming license.

Art. 64

Amendment of the programming concession

1) An ex officio modification of the program license is permitted if:

a) a change in the relevant legal or factual situation has occurred; or

b) overriding public interests so require.

2) Holders of a programming license are required to notify the licensing authority immediately of any changes in the relevant circumstances.

3) A modification of the programming license at the request of the licensee is permitted at any time within the scope of this Act.

4) Any pecuniary disadvantage suffered by the party as a result of the lawful amendment of the

Broadcaster is not to be compensated.

Art. 65

Withdrawal of the programming license

1) Withdrawal of the program license is only permissible if:

a) the program is not started in the intended scope within six months of the granting of the programming license;

b) the requirements for the granting of the programming license subsequently cease to apply;

c) the programming concession was transferred;

d) the broadcaster has interrupted programming for more than three months for reasons for which it is responsible;

e) a change in shareholdings or other influences is carried out that leads to a questionable concentration of media;

f) the broadcaster has repeatedly violated the provisions of the programming license or the law in its programming;

g) the program is directed wholly or in substantial parts to the population of another State party to the European Convention on Transfrontier Television and the broadcaster has established itself in Liechtenstein for the purpose of broadcasting, provisions of the European Convention on Transfrontier Television and the European Convention on Television.

of the other State which are the subject of this Agreement; or

h) the requirements of Art. 58 Par. 5 are met.

2) The withdrawal must be threatened in writing by the licensing authority in advance.

3) Any pecuniary loss suffered by the broadcaster as a result of the lawful withdrawal shall not be compensated.

Art. 66

Expiration of the programming license

1) The program license expires by:

a) Timing;

b) Waiver by the concessionaire;

c) Withdrawal by the licensing authority;

d) Bankruptcy of the concession holder;

e) Loss of legal personality of the concession holder.

2) In the case of subsection 1(e), in the case of natural persons, the representative of the estate or the legal successor shall be entitled to continue to organize and broadcast the program for one year.

Art. 67

Security deposit

For all liabilities arising from a concession, to cover any costs, fees and administrative penalties, the applicant or concession holder may be required to provide adequate security.

Art. 68

Procedural law

In all other respects, the provisions of the Act on the General Administration of the State shall apply.

3. Television programs

a) Advertising

Art. 69

Principle

1) Each television broadcaster may allocate broadcasting time within its programs for advertising or teleshopping in return for payment.

2) Television commercials or teleshopping may not feature persons who regularly present news programs and programs on political current affairs.

Art. 70

Sponsoring

1) Sponsored broadcasts must meet the following requirements:

a) Under no circumstances may their content and programming space be influenced in such a way that the responsibility and editorial independence of the broadcaster are compromised.

b) They must be clearly identified as sponsored by the sponsor's name, company emblem or other symbol, such as a reference to its products or services or a corresponding distinctive sign.

mark, in particular at its beginning or at its end by an ano- of cancellation.

c) They may not directly encourage the purchase, rental or lease of products or the use of services of the client or a third party, in particular through specific promotional references to these products or services.

2) Broadcasts may not be sponsored by companies whose principal activity is the manufacture or sale of products or the provision of services for which advertising is prohibited by this Act or by other provisions of law.

3) News broadcasts and political information broadcasts may not be sponsored.

4) In the case of sponsorship of broadcasts by companies whose activities include the manufacture or sale of medicinal products and therapeutic treatments, reference may only be made to the name or appearance of the company.

The company's image may only be referred to in the company's website, but not to medicinal products or therapeutic treatments that are only available on medical prescription.

Art. 70a

Product placement

1) Product placement is only permitted:

a) in feature films, television films and series, as well as sports programs and light entertainment programs, provided they are not programs for children;

b) where no payment is made but only certain goods or services, such as production aids and prizes, are provided free of charge with a view to their inclusion in a program, provided that the programs are not news, current affairs, advice and consumer programs, children's programs or broadcasts of religious services; or

c) if it is not made for the benefit of products or services or for the benefit of companies whose main activity is the manufacture or sale of products or the provision of services for which advertising is prohibited by this Act or by other legal provisions.

2) Light entertainment programs do not include, in particular, programs which, in addition to entertainment elements, are essentially informative in nature, consumer programs and advice programs with entertainment elements.

3) Permitted product placement must meet the following requirements:

a) The editorial responsibility and independence of the broadcaster with regard to content and broadcasting time must remain unimpaired.

b) The product placement may not directly encourage the purchase, rental or lease of goods or services, in particular by means of special sales-promoting references to such goods or services.

c) The product must not be given too much prominence; this also applies to low-value goods provided free of charge.

4) Product placement must be clearly indicated. It shall be appropriately identified at the beginning and end of a program and during its continuation after an advertising break or on the radio by an equivalent reference. The labeling obligation shall not apply to broadcasts which have not been produced or commissioned by the television broadcaster itself or by a company affiliated with the television broadcaster if it is not possible to determine with reasonable effort whether product placement is included; reference shall be made to this fact.

5) The Government shall regulate the details of product placement, in particular its labeling, by ordinance.

Art. 71

Special forms of television advertising

1) Partial use of the broadcast image for advertising is permitted if the advertising is clearly visually separated from the rest of the program and marked as such. Such advertising shall be counted towards the duration of spot advertising pursuant to Art. 73.

2) Continuous advertising programs are permissible if the advertising character is recognizably in the foreground and the advertising represents an essential component of the program. They must be announced as continuous commercials at the beginning and marked as such during their entire course.

3) The insertion of virtual advertising in broadcasts is permissible, subject to the conflicting rights of third parties, if:

a) is referred to at the beginning and end of the program in question;

and

b) it replaces advertising that already exists at the place of transmission.

4) Paragraphs 2 and 3 shall apply mutatis mutandis to teleshopping.

Art. 72

Insertion of television advertising and teleshopping

1) Transmissions of religious services may not be interrupted by advertising or teleshop- ping.

2) Individually broadcast advertising and teleshopping spots on television must remain the exception; this does not apply to the broadcast of

Sports events. The insertion of advertising or teleshopping spots on television must not interfere with the coherence of broadcasts, taking into account natural breaks in broadcasting and the duration and nature of the program, nor infringe the rights of rights holders.

3) The transmission of children's programs may be interrupted no more than once for each programmed period of at least 30 minutes for television commercials and/or tele- shopping, but only if the total duration of the program according to the schedule exceeds 30 minutes.

4) Television films, with the exception of series, serials and documentaries, as well as cinema feature films and news programs, may be interrupted once for each programmed period of at least 30 minutes for television advertising or teleshopping.

5) Retrieved

6) If television advertising or teleshopping in a television program is directed specifically and frequently at viewers of another state which is not a party to the EEA or the European Convention on Transfrontier Television, the provisions applicable to television advertising or teleshopping in that state may not be circumvented. The first sentence shall not apply if the provisions of this Act on television advertising or teleshopping are stricter than the provisions applicable in the State concerned, nor if agreements in this field have been concluded with the State concerned.

Art. 73

Television advertising duration

1) The proportion of airtime devoted to commercials and teleshopping spots within a

hour may not exceed 20 %. This does not apply to product placements and sponsor references.

2) For the purpose of calculating the maximum permissible duration of advertising, references by the television broadcaster to its own programs and broadcasts and to accompanying material derived directly from them, as well as contributions in the service of the general public, including free appeals for donations for charitable purposes, and mandatory legal notices shall not be considered advertising.

Art. 74

Teleshopping window

1) Teleshopping windows broadcast as part of a program that is not exclusively for teleshopping must have a minimum duration of 15 minutes without interruption.

2) The windows must be clearly identified visually and acoustically as teleshopping windows.

Art. 75

Advertising, teleshopping and self-promotion channels

For pure advertising and teleshopping channels, as well as for self-advertising channels, the advertising prohibitions and restrictions of this Act shall apply mutatis mutandis, with the exception of those under Articles 72 and 73.

b) European works Art. 76

Program quotas

1) Broadcasters shall ensure, to the extent practicable and by appropriate means, that in accordance with Art. 16 and 17 of Directive 2010/13/EU:

a) the majority of their broadcasting time, which does not consist of news, sports reports, game shows, advertising, teletext and teleshopping, is reserved for the broadcasting of European works within the meaning of Art. 1 (1) (n) of Directive 2010/13/EU; and

b) reserve at least 10% of the broadcasting time of its television programs, other than news, sports, game shows, advertising, teletext and teleshopping, or, alternatively, reserve at least 10% of its programming budget for the broadcasting of European works by producers independent of television broadcasters. Of this, an appropriate proportion must be reserved for recent works, i.e. works produced within a period of five years.

years after their production are broadcast.

2) The programming quotas pursuant to subsection 1 shall be determined by taking into account the responsibility of television broadcasters to their audience in the

The aim is to achieve a gradual improvement in the areas of information, education, culture and entertainment on the basis of suitable criteria.

3) Paragraphs 1 and 2 shall not apply to pure advertising and teleshopping channels, self-promotional channels and television programs which are aimed at a local audience and which are not connected to a national television network.

c) Child and youth protection

Art. 76a

Protection of minors in television programs

1) Television programs may not contain any programs that could seriously impair the physical, mental or moral development of minors, especially those that show pornography or gratuitous violence.

2) In the case of broadcasts which may impair the physical, mental or moral development of minors, it must be ensured by the choice of broadcasting time or by other measures that these broadcasts are not normally perceived by minors.

3) The unencrypted broadcasting of programs within the meaning of Paragraph 2 shall be announced by acoustic signals or made recognizable by optical means during the entire broadcast.

4) The Government shall regulate the details of the design of visual or acoustic markings by ordinance.

4. Accounting, submission and information requirements Art. 77

Accounting and submission obligation

1) Notwithstanding other notification and submission obligations, every broadcaster, regardless of its legal form, shall prepare annual financial statements in accordance with the provisions of the Persons and Companies Act, including those for certain types of companies (Art. 1063 et seq. PGR), and submit them to the licensing authority no later than three months after the end of the financial year.

2) Within the same period, the broadcaster shall submit to the licensing authority a list of the sources of programming for the reporting period.

and to provide the concession authority with a statement as to whether and to what extent, during the past calendar year, the concessionaire has been involved in

a change has occurred in the shareholding ratios relevant under Art. 12 para. 2.

3) Paragraphs 1 and 2 shall apply mutatis mutandis to parties directly and indirectly involved in the broadcaster within the meaning of Art. 12 Par. 2.

Art. 78

Duty to inform

1) Broadcasters are obliged to provide the licensing authority with all the information listed in Article 6(2) of the European Convention on Transfrontier Television upon request.

2) The Licensing Authority shall perform the duties pursuant to Article 19 (2) and (3) of the European Convention on Transfrontier Television.

3) Paragraphs 1 and 2 shall apply mutatis mutandis insofar as legally binding reporting obligations exist vis-à-vis intergovernmental institutions or international organizations.

5. Retransmission of radio programs Art. 79

Unchanged retransmission of other radio programs

1) The unchanged retransmission of broadcasting programs which are organized in a legally permissible manner and in accordance with the relevant provisions of international law is permissible within the framework of the available technical possibilities and in accordance with the provisions of communications law.

2) The supervisory authority shall prohibit the retransmission of a broadcast program if:

a) the radio program is not broadcast in the country of origin in a legally permissible manner;

b) the broadcasting program does not meet the requirements of Art. 6;

c) the right of reply or a similar right is not guaranteed; or

d) the content of the broadcast program is not retransmitted unchanged, in full and simultaneously.

3) Notwithstanding Par. 2, the retransmission of a television program from another state party to the EEA or the European Convention on Transfrontier Television may not be prohibited if

this program is broadcast in a legally permissible manner; retransmission may be temporarily suspended only in compliance with European broadcasting regulations. The Government shall regulate the details of the suspension of retransmission by ordinance in accordance with Article 3 of Directive 2010/13/EU and Article 24 of the European Convention on Transfrontier Television.

4) If a ground for prohibition within the meaning of subsection 2 exists prior to the start of retransmission, the supervisory authority shall order that retransmission may not take place until it has determined that this Act does not preclude retransmission.

5) If a reason for prohibition arises after the start of further dissemination, the supervisory authority shall first notify the responsible party in writing. If the infringement of the law continues or is repeated, the supervisory authority may, after hearing the person responsible, definitively prohibit further dissemination by means of an order.

6) Any pecuniary disadvantage suffered as a result of the lawful prohibition or provisional suspension shall not be compensated.

6. Scarce resources

Art. 80

Allocation of scarce resources

1) The government shall determine the allocation of scarce resources for program use by ordinance, taking into account the provisions of communications law in accordance with the following paragraphs.

2) Scarce resources required to ensure the basic provision of public service broadcasting are allocated to public service broadcasting.

3) Notwithstanding subsection 2, the scarce resources shall be allocated in such a way that the development and dissemination of public and private broadcasting are as balanced as possible. The following aspects shall be taken into account:

a) ensuring the fulfillment of the public broadcaster's statutory mission;

b) ensuring nationwide coverage with private broadcasting programs distributed nationwide;

c) the diversity of the program offering.

4) If terrestrial resources previously used in analog technology are used for the

If broadcasting programs are transmitted using digital technology, priority must be given to those providers who have previously distributed their programs on these resources using analog technology.

5) When allocating new digital terrestrial resources, the public broadcaster can be assigned the shares of the total capacity necessary to fulfill its legal mandate for its service offerings.

Art. 81

Special program concessions

1) If scarce resources have been allocated to private broadcasting, the government shall determine the beginning and end of a cut-off period within which written applications for the granting of a special programming license may be submitted. The government shall determine the beginning and end of the application period as well as the essential requirements for submitting applications and publish them in the official organs of publication (invitation to tender).

2) The Government shall grant a special programming license to those applicants who meet the general licensing requirements under this Act and whose capital structure, organizational structure, and programming scheme are most likely to ensure that their programming strengthens the diversity of opinion in Liechtenstein, presents public events, political events, and cultural life in Liechtenstein, and allows all significant political, ideological, and social groups to have their say. The selection decision shall take into account the willingness of the applicants to promote production opportunities for radio, television and film in Liechtenstein, as well as the extent to which the respective applicant will support its media activities.

The German Federal Ministry of Education and Research (BMBF) is responsible for the development and implementation of this program.

3) A Special Programming License shall contain, in addition to the other provisions of the license:

a) the distribution area;

b) the type of technical transmission possibility;

c) the airtime.

4) In accordance with subsections 1 to 3, the government may also grant special programming licenses in such a way that several private broadcasters share the broadcasting time if this would make a greater contribution to diversity of opinion in the public service.

The broadcasting area in which the station is located is expected to be a broadly diversified area and will allow the broadcasters concerned to provide an economically efficient broadcasting service.

5) A special programming license shall expire unless an application for the allocation of the necessary scarce resources is submitted in accordance with the provisions of communications law within three months of its legally valid award.

6) In all other respects, the general provisions of this Act concerning program licenses shall apply.

B. Online media Art. 82

Special regulations

1) Online media are subject to the special provisions of this Act and the ordinances based on it, as well as to the other special provisions, in particular the Act on Electronic Commerce.

2) Articles 56a, 70 and 70a shall apply mutatis mutandis to on-demand audiovisual media services.

3) The Government shall regulate the details of online media similar to broadcasting, in particular the blocking or restriction of access to such media, the protection of children and minors and the promotion of European works in such media, in accordance with Art. 3 and Chapters III and IV of Directive 2010/13/EU by ordinance.

Art. 82a

Reporting obligation

1) The provision of online media similar to broadcasting must be reported to the licensing authority.

2) The obligation to report under para. 1 includes:

a) a statement by the legal entity or natural person concerned that it intends to offer or discontinue the designated online medium;

b) the notification of the minimum information necessary for the licensing authority to establish a register or a list of the persons obliged to notify. This notification shall contain:

1. the information for the identification of the declarant;

2. the designation of at least one contact person of the person required to report;

3. the address for service of the declarant and the contact person, or

-persons;

4. A brief description of the essential content of the program; and

5. the date on which the online medium in question is expected to be offered or discontinued;

c) any change in reportable information under subparagraphs (a) and (b).

3) The Government shall regulate the details of the reporting obligation, including the levying of an appropriate annual reporting fee, by ordinance.

III. Organization and implementation

A. Media Commission

Art. 83

Composition and order

1) The Media Commission consists of a president, a vice-president, three other members and two substitute members, who are appointed by Parliament for a four-year term of office.

2) When appointing the Media Commission, care must be taken to ensure the independence and impartiality of all members as well as the

The existence of sufficient legal, media and economic expertise must be taken into account.

3) No person may be appointed as a member or substitute member of the Media Commission in case of other nullity:

a) Members of the state parliament or government and community leaders;

b) senior civil servants and employees of the state administration;

c) Persons who have a corporate, employment or contractual relationship with a private media company;

d) senior officials and employees of a political party;

e) Persons who have been members of the Media Commission for a total of eight years.

4) Membership to the Media Commission ends prematurely by:

a) Resignation;

b) Dismissal by the Landtag in the event of gross breach of duty;

c) subsequent occurrence of a reason for exclusion pursuant to para. 3;

d) Loss or limitation of capacity to act;

e) Misdemeanor or felony conviction;

f) Death.

5) Immediately after becoming aware of the premature resignation of a member of the Media Commission, Parliament shall appoint a successor for the remaining term of office. Until the successor has been appointed with legal effect, a substitute member shall perform the functions of the member who has resigned.

Art. 84

Tasks and representation

1) The Media Commission is responsible for:

a) the preparation and adoption of rules of procedure;

b) preparing the annual budget, the annual report and the annual accounts for the attention of the government;

c) making recommendations on media-specific or media-relevant issues for the attention of the government;

d) issuing opinions on media-specific or media-relevant issues on behalf of the government;

e) the performance of the duties assigned to it by other laws and ordinances, in particular the Media Promotion Act and the Liechtenstein Broadcasting Act.

2) The President represents the Media Commission externally.

3) The functions of the President shall be performed by the Vice-President in the event that he is prevented from doing so.

Art. 85

Meetings, decision-making, minutes, secretariat, compensation

1) The Media Commission shall meet at the invitation of the President as often as business requires, but at least twice a year for an ordinary meeting. The President is obliged to convene an extraordinary meeting without delay if at least two members request this in writing, enclosing a draft of the agenda.

2) The quorum of the Media Commission requires the presence of the President and three other members. Resolutions are passed by open vote with a simple majority of the votes cast, with the President voting. In the event of a tie, the President shall have the casting vote.

3) In urgent cases, matters of minor importance may be dealt with by circular resolution. The consent of all members of the Media Commission is required for a circular resolution to be valid.

4) Minutes of each meeting of the Media Commission shall be taken by the Secretary and signed by the President and the Secretary. Each pro- tocoll shall be submitted to the Media Commission for approval at the next following meeting.

5) For the purpose of providing secretarial services, the Government may, upon written request, provide the Media Commission with personnel from the National Administration.

6) The remuneration of the members of the Media Commission shall be governed by the Act on the Remuneration of Members of the Government and Commissions and of Part-time Judges and Ad Hoc Judges.

B. Government

Art. 86

Licensing and supervisory authority

1) The Government shall be the licensing and supervisory authority under this Act and shall be responsible in particular for:

a) the granting, amendment and withdrawal of programming licenses (Art. 59 ff.);

b) receiving documents subject to submission (Art. 77) and obtaining information in connection with the European Convention on Transfrontier Television (Art. 78);

c) prohibition of retransmission of other broadcasting programs (Art. 79);

d) the granting of special programming licenses (Art. 81);

e) the receipt of notifications (Art. 82a);

f) the exercise of legal supervision over the Media Commission (Art. 88);

g) ensuring diversity of opinion and offerings (Art. 89).

2) It may, by ordinance, delegate the duties assigned to it under this Act, with the exception of the legal supervision of the Media Commission, to the collegiate government of an official agency or the Media Commission for independent execution, subject to the right of appeal.

Art. 87

Information rights and investigative powers

1) The licensing and supervisory authority may at any time conduct all investigations and collect all evidence required to fulfill its statutory duties. It shall use such evidence as it deems necessary, after due assessment, to establish the facts relevant to the law.

2) Natural or legal persons or partnerships shall, upon request, produce records, books of account, business papers and other documents that may be relevant to the licensing and supervisory authority, provide information and render such other assistance as may be necessary for the implementation of this Act. Arrangements that hinder or impede the measures are inadmissible.

Art. 88

Legal supervision of the Media Commission

1) The Media Commission is under the legal supervision of the Government with regard to the legality of its activities.

2) The Government shall be provided with the information necessary for the performance of these duties and shall be granted access to the documents.

3) The Government shall have the right to notify the Media Commission in writing of measures or omissions that violate this Act or the general legal provisions and to request it to remedy the violation.

4) If the infringement is not remedied within a reasonable period of time, the government shall instruct the media commission to implement measures specified in detail within a certain period of time. If the media commission fails to comply with the instruction, the government may carry out the measure itself or have it carried out by third parties.

Art. 89

Measures to ensure diversity of opinion and offerings

1) If the supervisory authority determines, taking into account the expert opinions pursuant to subsection 3, that a media enterprise or other company operating in the media market is endangering diversity of opinion and offerings by abusing its dominant market position, the supervisory authority may demand that:

a) measures are taken to ensure diversity, such as granting broadcasting time or publication space to third parties, cooperation with other market participants or the creation of an independent commission for content issues;

b) Measures are taken against corporate journalism, such as the conclusion of

of an editorial statute to safeguard editorial freedom;

c) if such measures are obviously inadequate, the corporate and organizational structures of the company are adjusted.

2) The diversity of opinions and offerings is endangered if:

a) a media company abuses its dominant position in the relevant market; or

b) a media company or another company active in the media market abuses its dominant position in one or more media-relevant markets.

3) The regulatory authority consults the competition authority and an external expert to assess the abuse of a dominant position by a media company or another company active in the media market.

C. Parliament Art. 90

Participation of the state parliament

The Landtag is responsible for:

a) the appointment and dismissal of the members and substitute members of the Medi- en Commission;

b) taking note of the annual report and the annual accounts of the Media Commission.

IV. Penal provisions

Art. 91

Prohibited influence on legal proceedings

Any person who, in a medium during court proceedings prior to the judgment of the first instance, discusses the probable outcome of the court proceedings or the value of evidence in a manner likely to influence the outcome of the court proceedings shall be punished by the Regional Court for a misdemeanor with a fine of up to 180 daily penalty units.

Art. 92

Violation of the prohibition of distribution and publication

Any person who, contrary to Art. 51, disseminates media or publishes the content on which the seizure or confiscation is based, shall be liable to the

District Court to be fined up to 90 daily rates for misdemeanor.

Art. 93

Administrative Violations

1) The government shall impose a fine of up to 10,000 francs on anyone who intentionally:

a) as media owner does not meet the requirements of Art. 10 Par. 1;

b) the obligation incumbent upon it to publish an imprint (Art.

11) or for disclosure (Art. 12), or provides incorrect or incomplete information in the publication or violates its duty to provide information pursuant to Art. 11 Para. 6;

c) distributes media in which the imprint (Art. 11) is missing in whole or in part;

d) as the media owner, fails to comply or fails to comply properly with the obligation to keep records (Art. 13);

e) as the media owner, fails to comply with the obligation to provide information pursuant to Art. 14 (1) or fails to comply with such obligation;

f) as the media owner, fails to comply with the obligation to publish (Art. 15) or fails to do so properly.

2) The government shall punish with a fine of up to 20,000 francs any person who intentionally:

a) violates the general provisions on advertising (Art. 40 to 44), subject to para. 3 letter a);

b) violated the right to short reporting (Art. 57) as an organizer;

c) obtains the granting of a programming license by providing incomplete or incorrect information in the license application or in the licensing procedure (Articles 60 to 62);

d) as a broadcaster, violates the notification obligation pursuant to Art. 64 Par. 2;

e) as a broadcaster, fails to comply or fails to comply properly with the obligation to render accounts and submit documents (Art. 77) or the obligation to provide information pursuant to Art. 78;

f) violates the provisions on the unchanged retransmission of broadcasting programs (Art. 79);

g) fails to comply or fails to comply properly with a request under Art. 82 par. 2;

h) as a provider of an online medium similar to broadcasting, the reporting obligation pursuant to Art.

82a violated.

3) The government shall punish with a fine of up to 50,000 francs any person who intentionally:

a) as a broadcaster, violates the general provisions on advertising (Articles 40 to 44);

b) as a broadcaster, violates the provisions on the exercise of exclusive rights to events of major importance to society (Art. 58);

c) broadcasts and distributes radio without a programming license (Art. 59 Para. 1);

d) as a broadcaster, transfers the programming licence (Art. 59 Par. 4) or violates the notification obligation under Art. 59 Par. 5;

e) violates the provisions on advertising, sponsorship and teleshopping in broadcasting (Articles 69 to 75);

f) obtains the granting of a special programming license (Art. 81) by providing incomplete or incorrect information.

4) In the case of negligent commission of the administrative offenses under paras. 1 to 3, the range of penalties shall be reduced to half.

5) The government may order the publication of final decisions for administrative violations under paras. 1 to 3.

6) In all other respects, the provisions of the Act on the General Administration of the Province shall apply to the administrative penalty proceedings.

Art. 94

Responsibility

If criminal acts are committed in the business operations of a legal entity or a partnership or a sole proprietorship, the penal provisions shall apply to those persons who acted or should have acted on their behalf, but with joint and several liability of the legal entity, partnership or sole proprietorship for the fines, penalties and costs.

V. Transitional and final provisions Art. 95

Executive Orders

The Government shall issue the regulations necessary for the implementation of this Law, in particular on:

a) more extensive advertising restrictions (Art. 42 Par. 5);

b) the annual concession fee (Art. 59 par. 7);

c) product placements (Art. 70a Par. 5);

d) the labeling of programs harmful to children and young people (Art. 76a Par. 4);

e) the suspension of retransmission of a television program (Art. 79 Par. 3);

f) the allocation of scarce resources (Art. 80 par. 1);

g) broadcast-like online media (Art. 82 Par. 3);

h) the obligation to register and the annual registration fee (Art. 82a).

Art. 96

Repeal of previous law

It is repealed:

a) Articles 2 (1) to (3), 6, 7 (1) (d) to (f) and (3), 8 to 10, 12 (a) and (d) and 13 (c) of the Act of 25 November 1999 on the Promotion and Compensation of Media Services (Media Promotion Act, MFG), LGBl. 2000 No. 14;

b) Articles 16 to 27 of the Act of November 15, 1978 on Radio and Television, LGBl. 1978 No. 42;

c) Articles 17 to 24 of the State Protection Act of March 14, 1949, LGBl. 1949 No. 8;

d) Articles 40a to 40e of the Persons and Companies Act of 20 January 1926, LGBl. 1926 No. 4.

Art. 97

Existing media commission

1) Upon the entry into force of this Act, the term of office of the existing Media Commission shall end; however, it shall continue to conduct business until a new Media Commission is appointed in accordance with the provisions of this Act.

2) The duration of membership in the existing media commission shall not be taken into account when calculating the maximum permissible duration pursuant to Art. 83 Para. 3 Letter e.

Art. 98

Existing concessions and editorial statutes

1) Licenses of broadcasters existing at the time of the entry into force of this Act shall remain in force to the same extent as before.

2) Editorial statutes existing at the time of the entry into force of this Act shall not become ineffective at that time because they have not been concluded in the manner specified in Article 23, paragraph 2 of this Act.

Art. 99

Pending proceedings

1) In criminal and civil proceedings pending at the time of the entry into force of this Act, the previous law shall apply.

2) In administrative proceedings pending at the time of the entry into force of this Act, the new law shall apply.

Art. 100

Office of National Economy

Until the creation of a competition authority within the meaning of the antitrust legislation, the Office of National Economy shall be consulted instead of the competition authority pursuant to Art. 89 para. 3.

Art. 101

Entry into force

This Act shall enter into force on January 1, 2006.

VI. Legal Assistance Act (RHG)

from September 15, 2000

on International Mutual Legal Assistance in Criminal Matters

I. General provisions Art. 1

Primacy of intergovernmental agreements

The provisions of this Act shall apply only to the extent that intergovernmental agreements do not provide otherwise.

Art. 2

General reservation

A foreign request may only be complied with if public order or other essential interests of the Principality of Liechtenstein are not violated.

Art. 3

Reciprocity

1) A foreign request may only be complied with if it is guaranteed that the requesting state would also comply with a similar Liechtenstein request.

2) A request under this Act may not be made by a Liechtenstein authority if a similar request from another State could not be complied with, unless a request appears to be urgent for special reasons. In this case, the requested State shall be informed of the lack of reciprocity.

3) If compliance with reciprocity is doubtful, information on this shall be obtained from the member of the Government responsible for the Justice Division.

4) Reciprocity may be granted to another State in connection with a request under this Act if there is no intergovernmental agreement and if it would be permissible under the provisions of this Act to comply with a like request from that State.

Art. 4

Conditions

Conditions imposed by another state on the occasion of granting extradition,

The applicant shall comply with any request made by a person who has not been rejected by the authorities for transit or extradition, the provision of legal assistance, or in connection with the taking over of prosecution, supervision, or enforcement.

Art. 5

Costs

Costs incurred by the granting of extradition or surrender, by the provision of legal assistance or in connection with the assumption of criminal prosecution, supervision or execution in Liechtenstein shall be borne by the Principality of Liechtenstein, provided that reciprocity is also guaranteed in this respect. The Principality of Liechtenstein shall bear the costs of the expert fees incurred through the provision of legal assistance as well as for the

Costs of transit must always be reimbursed by the requesting state.

Art. 6

Regulations on import, export and transit

Restrictions or prohibitions on the import, export and transit of goods, including goods and valuables, contained in customs, foreign exchange or monopoly regulations or in regulations on the movement of goods, shall not prevent the delivery, transit or forwarding of goods permitted under the provisions of this Act.

Art. 7

Travel documents

Persons who are transferred to or taken over by another state in accordance with the provisions of this law do not need a travel document (passport or laissez-passer) or a visa to cross the border.

Art. 8

Preventive measures

For the purposes of this Act, a preventive measure is a measure involving deprivation of liberty which is imposed by a judicial decision provided for in criminal law in addition to or instead of a penalty. If the duration of a measure that is yet to be executed is indeterminate, the maximum measure permitted by law shall be taken as a basis.

Art. 8a

VermögensrechtlicheAnordnung

A property order means confiscation (section 19a of the Criminal Code), forfeiture (sections 20, 20b of the Criminal Code), confiscation (section 26 of the Criminal Code) and any other penalty, preventive measure or legal consequence consisting in the deprivation of an asset or object, which is pronounced after criminal proceedings have been conducted in the country or abroad, with the exclusion of any other penalty, preventive measure or legal consequence.

The Company's liability for fines, penalties, awards to private parties and costs of proceedings is limited to the amount of the fine and the costs of proceedings.

Art. 9

Application of the Criminal Procedure Code

1) Unless otherwise provided by the provisions of this Act, the Code of Criminal Procedure shall apply mutatis mutandis.

2) Sections 31 to 34 and 301 to 308 of the Code of Criminal Procedure shall not apply to the proceedings for the extradition of persons, but Section 30 paras. 2 to 4 shall apply only with the proviso that the date of the statement of the district judge (Article 31 para.

2) kicks.

2a) Section 241 (4) of the Code of Criminal Procedure shall not apply.

3) The Office of the Public Prosecutor may refrain from prosecuting a criminal act if Liechtenstein criminal jurisdiction is based only on § 65, paragraph 1, item 2 of the Criminal Code and public interests do not conflict with refraining from prosecution, in particular if punishment is not necessary to counteract the commission of criminal acts by others.

4) If the supervision of a person convicted by a foreign court is to be taken over or the decision of a foreign court is to be enforced, the public prosecutor's office may refrain from prosecuting the criminal act on which the foreign conviction is based if it can be assumed that the domestic court would not impose a significantly more severe penalty or preventive measure than the one imposed by the foreign court.

II. Delivery fromLiechtenstein

A. Admissibility of delivery

Art. 10

General principle

The extradition of persons to another state for prosecution for an act punishable by a court order or for the execution of a

cation of a custodial sentence or preventive measure imposed for such an act shall be permitted at the request of another State in accordance with the provisions of this Act.

Art. 11

Criminal acts subject to extradition

1) Extradition for prosecution is admissible for acts committed intentionally which are punishable under the law of the requesting State by a custodial sentence of more than one year or by a preventive measure of that duration and under Liechtenstein law by a custodial sentence of more than one year. In assessing whether a criminal offence gives rise to extradition, it is not necessary to take into account the

The penal threats amended in accordance with § 6 of the Juvenile Courts Act shall be assumed. It is irrelevant whether an application necessary for prosecution under Liechtenstein law or such an authorization exists.

2) Extradition for execution is permissible if the custodial sentence or preventive measure has been pronounced for one or more of the criminal acts listed in para. 1 and at least four months of custodial sentence remain to be executed. Several custodial sentences or their remainder to be executed shall be added together.

3) If extradition is permissible under the provisions of paras. 1 or 2, extradition may also be effected for prosecution for other criminal offences or for the execution of other custodial sentences or preventive measures if extradition would otherwise not be permitted on account of the level of the threat of punishment (para. 1) or the extent of the punishment or measure (para. 2).

Art. 12

Extradition of nationals

1) A national may not be extradited to another state or handed over for prosecution or execution of sentence until he has been informed of the consequences of his declaration and has expressly given his consent. A court record shall be made of this. The consent given may be revoked until the surrender is ordered.

2) Para. 1 does not apply to the execution and return of a national whom another state temporarily transfers to the Liechtenstein authorities.

Art. 13

Priority of delivery

If extradition proceedings are pending against an alien or if there are sufficient grounds for instituting such proceedings, it is inadmissible to take him or her out of the country on the basis of other legal provisions.

Art. 14

Criminal acts of political character

Extradition is inadmissible

1. for political offences,

2. for other criminal acts based on political motives or objectives, unless, taking into account all the circumstances of the individual case, in particular the manner of commission, the means used or threatened, or the severity of the consequences incurred or intended, the criminal character of the act outweighs the political character.

Art. 15

Military and fiscal criminal acts

An extradition for criminal acts which, under Liechtenstein law, are exclusively

1. are of a military nature, or

2. violations of tax, monopoly, customs or foreign exchange regulations, or of regulations on the management of goods or foreign trade,

is inadmissible.

Art. 16

Liechtenstein jurisdiction

1) Extradition for criminal acts subject to Liechtenstein jurisdiction is inadmissible.

2) Paragraph 1 does not, however, preclude extradition,

1. if the jurisdiction is exercised only on behalf of another state, or

2. if the conduct of the criminal proceedings in the requesting State is to be preferred in view of the particular circumstances, in particular for reasons of establishing the truth, assessing the sentence, execution or better social reintegration.

3) Even under the conditions of para. 2, extradition is inadmissible if the person to be extradited has already been finally convicted in the home country, finally acquitted, or has been removed from prosecution for reasons other than those mentioned in Art. 9 para. 3. In the case of paragraph 2, item 2, extradition is also inadmissible if it is to be feared that the person to be extradited would be in a considerably worse position overall as a result of a conviction in the other State than under Liechtenstein law.

Art. 17

Jurisdiction of a third state

Extradition shall be inadmissible if the person to be extradited on account of the criminal offence

1. has been finally acquitted by a court in the State of the offence or has otherwise been suspended from prosecution, or

2. has been finally sentenced by a court of a third state and the sentence has been executed in full or has been suspended in full or for the part not yet executed, or its enforceability has become statute-barred under the law of the third state.

Art. 18

Limitation

Extradition is inadmissible if the prosecution or execution is time-barred under the law of the requesting state or under Liechtenstein law.

Art. 19

Respect for the rule of law; extradition asylum

Extradition is inadmissible if it is to be feared that

1. the criminal proceedings in the requesting State do not or have not complied with the principles of Articles 3 and 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms,

2. the penalty or preventive measure imposed or to be imposed in the requesting State in a manner consistent with the requirements of Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms.

human rights and fundamental freedoms would not be executed in an appropriate manner, or

3. the person to be extradited would be subject to persecution in the requesting state on account of his or her origin, race, religion, membership of a particular ethnic or social group, nationality or political opinions, or would have to expect other serious disadvantages for one of these reasons (extradition asylum).

Art. 20

Inadmissible penalties or preventive measures

1) Extradition for prosecution for an offense punishable by death under the law of the requesting State shall be permitted only if it is guaranteed that the death penalty will not be pronounced.

2) Extradition for execution of the death penalty is inadmissible.

3) The provisions of paragraphs 1 and 2 shall also apply mutatis mutandis to penalties or preventive measures that do not meet the requirements of Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms.

Art. 21

Penal

Extradition of persons who were minors under Liechtenstein law or under the law of the requesting state at the time of the offense is not permitted.

Art. 22

Hardship cases

Extradition shall be inadmissible if, taking into account the seriousness of the criminal act with which the person is charged, it would be manifestly disproportionately severe for the person to be extradited because of his or her youthful age (Article 2(2) of the Juvenile Courts Act), because of his or her long-established domestic residence or for other serious reasons related to his or her personal circumstances.

Art. 23

Delivery specialty

1) Delivery is only permissible if it is ensured that

1. the extradited person is not being prosecuted, punished, restricted in his or her personal liberty or extradited to a third state in the requesting state either for an act committed prior to his or her surrender to which the extradition permit does not extend, or exclusively for one or more acts which are not in themselves subject to extradition (Art. 11 para. 3),

2. in the event of a change in the legal assessment of the act on which the extradition is based or in the event of the application of provisions of criminal law other than those originally adopted, the extradited person shall be prosecuted and punished only to the extent that the extradition would also be admissible under the new aspects.

2) The prosecution or execution of a custodial sentence or preventive measure may be consented to on request after extradition has been carried out if extradition would be admissible in relation to the requesting State in respect of the act on which the request is based, even if only in connection with a previous authorization. Similarly, further extradition to a third state may be consented to if extradition would be admissible in relation to that state.

3) Consent in accordance with paragraph 2 is not required if

1. the extradited person remains on the territory of the requesting State for more than forty-five days after his or her release, although he or she could and was permitted to leave it,

2. the extradited person leaves the territory of the requesting State and returns there voluntarily or is lawfully returned there from a third State,

3. extradition has taken place in accordance with Art. 32.

Art. 24

Extradition requests from several states

If two or more States request the extradition of the same person, the priority between the requests for extradition shall be decided taking into account all the circumstances, in particular the contractual obligations, the place of the offence, the chronological order of receipt of the requests, the nationality of the person to be extradited, the possibility of his onward extradition and, if the requests relate to different offences, also the gravity of the offences.

Art. 25

Tracking out of objects

1) In connection with extradition, it is permissible to extradite objects that may serve as evidence or that the person to be extradited has obtained through the criminal act or through the utilization of the objects originating from it.

2) If extradition, which would be permissible under the provisions of this Act, cannot be granted because the person to be extradited has fled or died or could not be apprehended within the country, extradition shall nevertheless be permissible on the basis of the request for extradition or a separate request.

3) A handover for evidentiary purposes may be granted with the proviso that the items are returned immediately upon request.

4) In any case, surrender shall be inadmissible if there is reason to fear that it would frustrate or unreasonably impede the prosecution or realization of the rights of third persons.

B. Jurisdiction and procedure

Art. 26

Jurisdiction of the regional court

1) The regional court is responsible for examining a request for extradition or for imposing custody pending extradition and for preparing a request for extradition.

2) If several persons are to be extradited on account of their participation in the same criminal act or on account of criminal acts which are connected with each other, the extradition proceedings shall be conducted jointly for all persons. § Section 12 of the Juvenile Courts Act remains reserved.

3) The provisions of paras. 1 and 2 shall also apply to the delivery of objects in connection with an extradition.

Art. 27

BOLO

1) Requests received for the imposition of extradition custody shall be examined by the Regional Court to determine whether there are sufficient grounds for assuming that the criminal act on which they are based gives rise to extradition. If these conditions are met, the requested person shall be investigated and, if necessary, ordered to be held in custody.

2) The referral to the Regional Court of a request received by way of an automated search system, by way of the International Criminal Police Organization INTERPOL or otherwise by way of international criminal administrative assistance may be omitted if there is no reason to assume that the requested person is in Liechtenstein and the request only gives rise to search measures that do not consist of an appeal to the population for assistance.

Art. 28

Offer of delivery

1) If there are reasonable grounds for believing that a person entered within the country has committed a criminal offence subject to extradition

The public prosecutor's office shall examine whether there are grounds for extradition. If this is the case, it shall, after the person to be extradited has been questioned by the district judge, apply to the latter for a report to be made to the member of the government responsible for the justice sector. The latter shall ask the state in which the offence was committed whether extradition is requested. The member of the Government responsible for the judicial branch may refrain from questioning if it must be assumed that such a request will not be made or if it is evident from the documents that extradition would have to be refused for one of the reasons specified in Articles 2 and 3, para. 1. The waiver of extradition and its reasons shall be communicated to the Regional Court. A reasonable period of time shall be fixed for the receipt of the request for extradition. If a request for extradition is not received in time, the member of the government responsible for the judiciary shall notify the court thereof.

2) Upon notification that an interrogation pursuant to para. 1 will be dispensed with or that a request for extradition has not been received in time, the regional court shall immediately arrest the person in custody pending extradition, unless the public prosecutor immediately applies for the imposition of pre-trial detention. In the event of a conviction by a domestic court, the extradition custody shall be credited in accordance with Section 38 of the Criminal Code.

Art. 29

Extradition custody

1) Detention pending extradition may be imposed only if there are reasonable grounds for believing that a person entered within the country has committed a criminal act subject to extradition. On the extradition custody are,

Unless otherwise provided by the provisions of this Act, the provisions on pre-trial detention shall apply mutatis mutandis.

2) Detention pending extradition may not be imposed or maintained if the purposes of detention can be achieved by simultaneous judicial pre-trial detention or criminal detention. The district judge shall order such deviations from the execution of pre-trial detention or criminal detention as are indispensable for the purposes of the extradition proceedings. If the purposes of detention cannot be achieved by simultaneous criminal detention, or if the extradition proceedings would be impeded by the imposition of a sentence of

If the execution of the sentence is substantially impeded by the fact that the prisoner is in custody, the district judge shall impose custody pending extradition; this shall result in an interruption of the execution of the sentence. The extradition custody shall be credited against the criminal custody interrupted by it.

3) Before a decision is made on the imposition of custody pending extradition, the person to be extradited shall be informed of the charges against him or her and that he or she is free to speak or not to testify on the merits of the case and to consult with a defense counsel beforehand. The person must also be informed of his or her right to request that a public hearing be held before the higher court.

4) The duration of the extradition custody shall not exceed six months. However, at the request of the public prosecutor's office, the district court judge may determine that the period of detention may last up to one year on account of special difficulties or the special scope of the proceedings and if the criminal act subject to extradition is a crime. The time limit on extradition custody and the time limit on the last decision to impose or continue extradition custody shall cease to apply as soon as the request for extradition has been decided by the court; after that time, custody hearings shall no longer be held ex officio. The same applies if and as soon as the person concerned agrees to the simplified extradition (Art. 32).

5) If a person who is not represented by a defense counsel is placed in custody pending extradition, he or she shall be accompanied by a defense counsel at the same time (Section 26 (3) of the Code of Criminal Procedure).

Art. 30

Handling of incoming requests

Extradition requests shall be forwarded by the Office of Justice to the Regional Court for further disposition. If circumstances come to light which would justify extradition from one of the

If the request is not in conformity with the grounds set forth in Articles 2 and 3 paragraph 1, or if the request is not suitable to be dealt with in accordance with the law, the member of the Government responsible for the field of justice shall immediately refuse the request.

Art. 31

Proceedings before the Regional Court

1) The district judge shall question the person to be extradited on the extradition request; Art. 29 para. 3 applies mutatis mutandis. Whether the person to be extradited is sufficiently suspicious of the criminal offence with which he or she is charged according to the extradition documents is to be examined only if there are substantial doubts in this respect, in particular if evidence is available or offered that could invalidate the suspicion without delay.

2) After completion of any necessary investigations, the district judge shall submit the files to the superior court with a reasoned opinion as to whether the extradition is admissible.

Art. 32

Simplified delivery

1) If the person to be extradited on the basis of a foreign request for extradition or for the imposition of custody pending extradition has consented to extradition during his or her interrogation and has agreed to be handed over without conducting formal extradition proceedings, the district judge shall forward the files directly to the Office of Justice after obtaining a statement from the public prosecutor. If there are several requests, the declaration of consent shall only be effective if it covers all requests. However, if the person concerned is in custody pending extradition, he or she may effectively give this consent at the earliest at the first custody hearing (Section 132(2)(1) of the Criminal Procedure Code). In any case, the consent only becomes legally valid if it is recorded in court.

1a) In the case of consent to simplified extradition, no formal extradition request is required.

2) The district judge shall instruct the person to be extradited that, in the event of extradition under paragraph 1, he or she is not entitled to the protection provided for in Article 23, paragraph 1, or under corresponding provisions in intergovernmental agreements, and that he or she may revoke his or her consent only until the surrender is ordered.

3) Simplified extradition of a juvenile is permissible only if his legal representative also consents or if he is represented by a defense counsel.

Art. 33

Admissibility resolution

1) The higher court shall decide on the admissibility of extradition in closed session if neither the public prosecutor nor the person to be extradited have requested a public hearing and such a hearing does not appear necessary to assess the admissibility of extradition. Notwithstanding a request for a public hearing, the higher court may always declare the extradition inadmissible in closed session. Before a decision is made in closed session, the prosecution, the person to be extradited and his or her defense counsel must be given the opportunity to comment on the extradition request.

2) In other cases, a public hearing shall be scheduled, to which the public prosecutor, the person to be extradited and the defense counsel shall be summoned. The person to be extradited must be represented by a defense counsel at the hearing (Section 26 of the Code of Criminal Procedure). If the person to be extradited is under arrest, he or she shall be brought before the court. The summons of the person to be extradited and his or her defense counsel as well as the notification of the arrested person to be extradited shall be made in such a way that the parties have a preparation period of at least eight days.

3) In addition to the cases specified in the Code of Criminal Procedure, the public may be excluded from the hearing if the person to be extradited so requires or if interstate relations could be affected.

4) During the hearing, a member of the Supreme Court shall give a presentation of the course of the proceedings to date without expressing any opinion on the decision to be rendered. The public prosecutor shall then be given the floor. The person to be extradited and his defense counsel shall then be given the opportunity to comment on the request for extradition and on the statements of the public prosecutor's office. The person to be extradited and his defense counsel shall in any case have the right to make the last statement. After these presentations, the Supreme Court shall retire for deliberation.

5) The higher court shall decide by way of a resolution to be pronounced orally by the presiding judge. Before passing the resolution, the higher court may order the district judge to conduct additional examinations.

6) After the decision has become final, the higher court shall forward it to the Office of Justice together with the files.

Art. 34

Approval and refusal of extradition

1) The member of the Government responsible for the Justice Division shall decide on the extradition request in accordance with international agreements and the principles of international legal relations. In doing so, it shall take into account the interests of the Principality of Liechtenstein, obligations under international law, in particular in the field of asylum law, and the protection of human dignity. It shall refuse the extradition insofar as the Supreme Court has declared it inadmissible.

2) If extradition is admissible in relation to more than one state, the member of the government responsible for the judicial branch shall also decide which extradition request shall have priority.

3) If the requirements of Article 32 are met and the person to be extradited has not revoked his or her consent, the member of the government responsible for the justice sector shall order the transfer of the person to be extradited, taking into account Article 37 paras. 1 and 3. If, however, there are doubts as to the admissibility of the surrender on any of the grounds specified in Articles 10 to 25, the procedure shall be carried out in accordance with Articles 31, 33 and 34 paras. 1, 2 and 4.

4) The member of the government responsible for the judicial branch shall notify the requesting state of his decision and, except in the case of simplified extradition, also the higher court, which shall notify the person to be extradited and his counsel through the district court.

Art. 35

Documents

1) The admissibility of extradition shall be examined on the basis of the extradition request and its documents. These documents must in any case include the copy or a certified copy or photocopy of a judicial arrest warrant, a document of equivalent effect or an enforceable sentencing decision.

2) The member of the government responsible for the judicial branch may, at any stage of the proceedings, on his own initiative or at the request of the judge or the higher court, require the requesting state to supplement the documents and set a reasonable time limit for doing so. If this period expires without result, a decision shall be taken on the basis of the documents available.

Art. 36

Handover

1) The district judge shall arrange for the extradition to be carried out. If the person to be extradited is at large, he or she must be arrested if the extradition cannot otherwise be guaranteed. The transfer of the person to be extradited to the relevant border crossing or to the otherwise agreed place of surrender shall be effected by the national police. Objects belonging to the personal effects of the person to be extradited which are in the custody of the court shall also be handed over, unless the person to be extradited disposes of them otherwise.

2) The surrender of a juvenile may, if the purposes of the extradition do not conflict with this, also take place in such a way that the juvenile is handed over to the legal guardian or a person authorized by the legal guardian.

3) A juvenile whose extradition is likely to be granted may be surrendered even before the decision on the extradition request if this appears necessary to avert disadvantages associated with longer extradition proceedings and if compliance with the principle of speciality is ensured. The member of the government responsible for the justice sector shall decide on the early surrender.

Art. 37

Postponement of the transfer

The handover is to be postponed,

1. if the person to be delivered is not fit for transport,

2. upon resumption of extradition proceedings, or

3. if judicial criminal proceedings are pending against the person to be extradited in Germany, if he or she is involved in another domestic criminal case, or if he or she is involved in another domestic criminal case.

The person to be extradited must be held in custody pending trial or if the person to be extradited is subject to a custodial sentence imposed by a court or administrative authority or to a preventive measure. If the prosecution is waived on account of the extradition (Section 21(2)(b) of the Criminal Procedure Code), the surrender must be carried out without delay.

Art. 38

Preliminary handover

1) Notwithstanding the postponement of surrender under Art. 37 item 3, a person on whom a custodial sentence or preventive measure is being executed may be handed over to a

The person to be extradited may be provisionally surrendered to another State at its request for the purpose of carrying out certain procedural acts, in particular the final hearing and passing of judgment, if his or her return is guaranteed after the procedural acts have been carried out. The provisional surrender shall be omitted if it could result in unreasonable disadvantages for the person to be surrendered.

2) The provisional surrender does not interrupt the execution of the domestic custodial sentence or preventive measure.

3) The member of the Government responsible for the judicial branch shall decide on the request for provisional surrender.

Art. 39

Resumption of extradition proceedings

The supreme court shall set aside its decision made under Article 33 in closed session if new facts or evidence emerge which, alone or in conjunction with the extradition documents and the outcome of any investigations, give rise to substantial doubts as to the correctness of the decision. Further proceedings shall be governed by Articles 31, 33 and 34.

Art. 40

SubsequentExtradition Procedure

If the extradited person has not been surrendered by way of simplified extradition, Articles 31, 33 and 34 shall apply to the proceedings on requests under Article 23, paragraph 2, subject to the following provisions,

that the higher court always decides in closed session. Prior to the decision, the extradited person must have been given the opportunity to comment on the request.

Art. 41

Procedure for the delivery of objects

1) Articles 31 to 35 shall apply mutatis mutandis to the surrender of objects. In the case of a separate request for surrender, the documents referred to in Art. 35, para. 1, may be replaced by a copy or a certified copy or photocopy of a court order for seizure or a document of equivalent effect.

2) The handing over of objects shall be postponed as long as they are required for legal or administrative proceedings pending in the country.

3) An object seized as a result of a criminal act may be returned to the person entitled to it in accordance with section 259 of the Code of Criminal Procedure, even without conducting the proceedings in accordance with subsection 1.

III. Through delivery

A. Admissibility

Art. 42

General principle

1) The transit of persons through the territory of the Principality of Liechtenstein for prosecution for an act punishable by law or for the execution of a sentence or preventive measure imposed for such an act shall be permitted at the request of a State to which the persons are to be extradited by a third State, in accordance with the provisions of this Act.

2) The provisions of Articles 42 to 49 shall apply mutatis mutandis to requests for the transit of persons through the territory of the Principality of Liechtenstein to a third State for the purpose of taking over criminal prosecution or the execution of a foreign judicial decision. Transit must also be granted,

if extradition would not be permitted for one of the reasons listed in Article 11.

Art. 43

Admissibility of transit

Transit is only permitted if extradition would be permitted under Articles 11, 14, 15, 18 to 21 and 23.

Art. 44

Prohibition of transit of nationals

The transit of nationals through the territory of the Principality of Liechtenstein is only permissible if extradition would be permissible under Articles 11, 12, 14, 15, 18 to 21.

Art. 45

Liechtenstein jurisdiction

1) Extradition for a criminal act that is subject to Liechtenstein jurisdiction is permissible, provided that this criminal act is not the subject of an extradition order.

Action

1. the extradition of the person to be extradited to the Principality of Liechtenstein is to be obtained, or

2. the person to be extradited has already been convicted in Liechtenstein by a final court decision or has been acquitted by a final court decision for a reason other than the absence of Liechtenstein jurisdiction or has otherwise been removed from prosecution.

2) A domestic criminal claim against the person to be extradited on account of a criminal act not covered by the request for extradition shall only prevent extradition if extradition to the Principality of Liechtenstein is to be obtained on account of this criminal act.

Art. 46

Use of the airway

1) Authorization for transit is not required if the air route is to be used and a stopover is to be made on the territory of the country.

of the Principality of Liechtenstein is not provided for. In this case, it is sufficient for the requesting state to confirm that the person to be extradited is not to be extradited on account of one of the criminal offences listed in Articles 14 and 15 paragraph 1 and that one of the documents referred to in Article 48 paragraph 1 is available. In the case of transit of a national, Art. 12 shall apply mutatis mutandis.

2) If, in the event of an unforeseen stopover, the flight cannot be continued without delay, the notification of the use of the air route shall be considered a request for the imposition of detention pending extradition.

B. Jurisdiction and procedure

Art. 47

Decision

1) The member of the government responsible for the judicial branch shall decide on the request for extradition. He or she shall notify the requesting state of this decision through the appropriate channels.

2) Notification of the use of the air route shall be examined by the member of the Government responsible for the Judicial Branch. If the use of the air route is inadmissible, the member of the government responsible for the judicial branch shall notify the requesting state of this fact through the appropriate channels.

Art. 48

Documents

1) The admissibility of transit shall be examined on the basis of the request for transit and its documents. These documents must in any case include the execution or a certified copy or photocopy of a judicial warrant, a document of equal validity or an enforceable judgment.

2) The member of the government responsible for the judicial branch may require the requesting state to supplement the documents and set a reasonable time limit for doing so. If this period expires without results, a decision shall be taken on the basis of the documents available.

Art. 49

Handover

1) When authorizing transit, the border crossing points at which the person to be transmitted is to be taken over and handed over must be indicated. The person to be transferred may only be taken over if his transfer has been approved and if he is fit for transport.

2) The execution of the transit is the responsibility of the state police. In connection with the transit, objects that have been handed over with the person to be delivered must also be transported.

3) The execution of the through delivery is to be interrupted if

1. new facts or evidence arise after the person to be transmitted has been taken over which, alone or in conjunction with the transmission documents and the results of any investigations, give rise to substantial doubts as to the admissibility of the transmission,

2. the person to be extradited has committed a judicially punishable act in the territory of the Principality of Liechtenstein during the extradition, unless prosecution is waived in analogous application of Section 21 (2) (b) of the Code of Criminal Procedure, or

3. the person to be transported becomes unfit for transport.

IV. Legal assistance for foreign countries

A. Requirements

Art. 50

General principle

1) In criminal matters, including proceedings for the ordering of preventive measures and for the issuance of a property order, as well as in matters of expungement and the criminal record, proceedings for compensation for criminal detention and sentencing, clemency matters, and matters relating to the execution of sentences and measures, legal assistance may be provided at the request of a foreign authority in accordance with the provisions of this Act.

1a) Foreign civil proceedings for pronouncing a property law order within the meaning of sections 20 and 20b of the Criminal Code shall be a criminal case under subsection 1.

2) A court, a public prosecutor's office or an authority active in matters relating to the execution of sentences or measures shall be deemed to be an authority within the meaning of paragraph 1.

3) Legal assistance within the meaning of paragraph 1 is any assistance provided for foreign proceedings in a criminal matter. It shall also include the authorization of activities within the framework of cross-border obser- vations on the basis of intergovernmental agreements.

Art. 51

Inadmissibility of mutual legal assistance

1) The provision of legal assistance shall be inadmissible to the extent that

1. the act on which the request is based is either not punishable under Liechtenstein law or is not subject to extradition under Articles 14 and 15(1),

2. the extradition would be inadmissible for the proceedings on which the request is based in accordance with Art. 19 paras. 1 and 2, or

3. either the substantive requirements for the performance of certain investigative acts under Part IX of the Code of Criminal Procedure are not met, or the performance of mutual assistance would result in a breach of a duty of secrecy to the criminal courts (Section 8(2) of the Code of Criminal Procedure) under Liechtenstein law.

1a) Repealed

2) The absence of criminal liability under Liechtenstein law does not prevent the service of documents if the addressee is willing to accept them.

3) If a request is based on a fiscally punishable act for which the provision of mutual assistance under subsection 1 is permissible, a measure under sections 92 to 95, 96, 96b, 113 or 114 of the Code of Criminal Procedure may also be ordered,

if the act is punishable under Liechtenstein law by a custodial sentence not exceeding six months.

4) The provision of legal assistance under subsections (1) and (3) in respect of fiscal offences shall also be permissible if, prior to 1 January 2016, in

the intergovernmental agreements on mutual legal assistance that have entered into force provide otherwise.

Art. 52

Sending objects and files

1) Items or files may only be sent if it is guaranteed that they will be returned as soon as possible. The return of items sent may be waived if they are no longer required.

2) Objects in which rights of the Principality of Liechtenstein or rights of third parties exist may only be transmitted with the reservation that these rights remain unaffected. A transfer shall be inadmissible if it is to be feared that it would frustrate or unreasonably impede the prosecution or the realization of such rights.

3) A transfer of objects or files is to be postponed as long as they are needed for court or administrative proceedings pending in Germany.

4) The transmission of objects or files is only permissible if it is ensured that

1. the objects or files are not used in the requesting State either for the purpose of evidence or investigation in respect of an act committed before they were handed over and not covered by the authorization for mutual assistance, or for the purpose of evidence or investigation in respect of one or more acts which are not in themselves subject to mutual assistance (Art. 51, para. 1),

2. in the event of a change in the legal assessment of the act on which mutual assistance is based or in the event of the application of provisions of criminal law other than those originally accepted, the files and objects transmitted shall be used only to the extent that mutual assistance would also be admissible under the new circumstances.

5) If the persons entitled consent to the transfer of objects and files by the end of the mutual assistance proceedings, the Regional Court shall transfer the objects and files to which the consent relates to the requesting authority without further formal proceedings. The consent shall be given by the persons entitled

in writing or on record; this consent is not revocable. The consent to the transfer

The deletion of objects and files is not unlawful unless it was issued with the intent to cause damage.

Art. 52a

Justified

For purposes of this chapter, a person entitled to legal assistance is one who is personally and directly affected by a legal assistance action.

Art. 53

Subpoenas

1) A person who is in Liechtenstein may only be served with a summons to appear before a foreign authority if it is guaranteed that he or she will not be prosecuted, punished or have his or her personal liberty restricted on account of an act committed before leaving the Principality of Liechtenstein. However, prosecution, punishment or restriction of personal liberty is permissible

1. for a criminal offense that is the subject of the person's summons as a defendant,

2. if the person summoned remains on the territory of the requesting State for more than fifteen days after the conclusion of the hearing, although he or she could and was allowed to leave it, or

3. if, after leaving the territory of the requesting State, it returns there voluntarily or is lawfully returned there.

2) Summonses containing threats of coercion in the event of non-compliance may only be served with the instruction that the threatened measures cannot be enforced in Liechtenstein.

3) Witnesses and experts shall, at their request, be paid a reasonable advance on travel expenses if the other State has so requested and if reimbursement of the advance by the other State is assured.

Art. 54

Transfer of arrested persons for evidence purposes

1) A person who is in pre-trial detention or criminal custody on the basis of a Liechtenstein court decision or who is in the custody of a Liechtenstein court.

may be transferred to a foreign country at the request of a foreign authority in order to carry out important investigative measures, in particular for the purpose of questioning or confrontation, if

1. it agrees to this transfer,

2. their presence is not required for criminal proceedings pending in Germany,

3. the detention is not prolonged by the transfer, and

4. the requesting State undertakes to keep them in custody, to return them without delay after carrying out the act of investigation, and not to prosecute or punish them for any act committed before the transfer.

2) The transfer shall not interrupt the execution of the pre-trial detention, criminal detention or preventive measure.

Art. 54a

Unsolicited transmission of information

1) The court may transmit information obtained for its own criminal proceedings to a foreign authority without being requested to do so if

1. there is a basis for this in an intergovernmental agreement,

2. such information could assist in the initiation or conduct of an investigation or proceeding by a foreign authority; and

3. the transmission of the information would also be admissible in the context of a request for mutual legal assistance by the foreign authority.

2) The transmission of information is also permissible without intergovernmental agreement if

1. it can be assumed on the basis of certain facts that the content of the information can prevent an extraditable offense (Art. 11) or avert an imminent and serious threat to public security, and

2. the prerequisite according to para. 1 item 3 is fulfilled.

3) The transmission of information under paras. 1 and 2 shall be subject to the condition that

1. the information transmitted may not be used for any purpose other than that for which it was transmitted without the prior consent of the transmitting authority,

2. the data transmitted must be deleted or corrected by the receiving authority without delay as soon as

a) the inaccuracy of the data becomes apparent,

b) the transmitting authority informs that the data have been unlawfully obtained or transmitted, or

c) it becomes apparent that the data is not or is no longer required for the purpose for which it was transmitted.

4) Art. 77 Para. 3 shall apply mutatis mutandis.

B. Jurisdiction and procedure

Art. 55

Competence to execute a request for legal assistance

1) The Regional Court shall have jurisdiction to execute a request for legal assistance, notwithstanding subsections (2) and (3).

2) If a person to be transferred is in criminal custody or in detention, the district court shall decide on the request for transfer. The decision shall be communicated to the member of the Government responsible for the justice sector. The member of the Government responsible for the field of justice shall refuse the transfer if any of the circumstances referred to in Articles 2 and 3(1) exist. The transfer to the border crossing point in question or to the otherwise agreed place of transfer shall be effected by the National Police.

3) If a person in custody in another state is to be transferred through the territory of the Principality of Liechtenstein to a third state in order to carry out important investigative acts, in particular for the purpose of questioning or confrontation, Articles 44, 47 and 49 shall apply mutatis mutandis.

4) If the request for mutual assistance calls for the transfer of objects and files, a separate decision shall be made after the seizure has been made as to which of the seized objects and files are to be transferred to the requesting party.

authority. The entitled persons shall be granted a fair hearing beforehand.

5) The disclosure as well as the sending of final criminal court decisions to the requesting authority is permitted without formal proceedings.

Art. 56

Form and content of a request for legal assistance

1) Mutual assistance may only be provided if the request states the facts of the case and the legal assessment of the criminal act on which the request is based. In the case of requests for service of documents, a reference to the provisions of criminal law applicable or applied in the requesting state shall suffice.

2) A request for the search of persons or premises, the seizure of objects or the interception of telecommunications must be accompanied by the copy, certified copy or photocopy of the order of the competent authority. If it is not an order of a court, there must be a declaration by the authority requesting the assistance that the conditions required for this measure under the law in force in the requesting state are fulfilled.

3) If an order for measures pursuant to paragraph 2 is not possible under the law of the requesting state, a confirmation that these measures are permissible in the requesting state shall suffice.

Art. 56a

Opinion of the tax administration

A request for legal assistance relating to a fiscal offense shall be forwarded by the district court to the tax administration for its opinion.

Art. 57

Refusal of legal assistance; lack of jurisdiction

1) If the legal assistance is not provided in whole or in part, the requesting foreign authority shall be notified thereof in the manner provided, stating the reasons.

2) Requests for legal assistance received by other authorities shall be forwarded to the district court.

Art. 58

Applicable procedural rules

Mutual assistance shall be rendered in accordance with the provisions applicable in Liechtenstein concerning criminal proceedings. However, a request for compliance with a specific procedure deviating therefrom shall be complied with if such procedure is compatible with the principles of Liechtenstein criminal procedure. If mutual assistance is provided by means of an order pursuant to § 97a of the Code of Criminal Procedure, such order shall be limited in time; the requesting foreign authority shall be notified of this on the scheduled

way to notify.

Art. 58a

Participation in the procedure

1) The entitled persons may participate in the proceedings and inspect the files to the extent necessary to protect their interests.

2) The rights under para. 1 may only be restricted:

1. in the interest of the foreign proceedings;

2. to protect an essential interest, if the requesting authority so requires;

3. because of the nature or urgency of the legal assistance action to be taken;

4. to protect essential private interests;

5. in the interest of a Liechtenstein procedure.

3) Inspection or participation in the proceedings may be refused only in respect of those documents and procedural acts for which the requirements under para. 2 are met.

Art. 58b

Service of decisions and summonses

1) The court of appeal and the appellate courts shall serve their decisions and summonses:

1. the beneficiaries who are domiciled or have their registered office in Liechtenstein;

2. the beneficiary resident abroad with an address for service in Liechtenstein.

2) In the case of legal entities and partnerships that no longer have a governing body, service shall be made on the governing body or representative that last exercised this function.

Art. 58c

Complaint in judicial proceedings

1) The decision of the judicial assistance court concluding the judicial assistance proceedings shall be subject to appeal together with the preceding decisions.

2) The preceding decisions may be appealed independently if they cause a direct and irreparable disadvantage; this applies in particular to orders under Section 97a of the Code of Criminal Procedure.

3) Any appeals under para. 2 shall not suspend the further progress of the legal aid proceedings.

Art. 58d

Right of appeal

Entitled to file a complaint are:

a) who is personally and directly affected by a legal assistance act and has an interest worthy of protection in its cancellation or amendment;

b) the Liechtenstein Public Prosecutor's Office.

Art. 58e

Provisional transmission of documents and information stored on data carriers

1) Documents and information stored on data carriers may, after they have been seized from a person or handed over by a person subject to due diligence (section 96b of the Code of Criminal Procedure) who is subject to a prohibition on disclosure

has already been transmitted prior to the issuance of an order of extradition, if

1. the requesting foreign authority substantiates that the provisional restriction of the rights of the persons concerned (Art. 58a para. 2 items 1 to 4) is necessary due to the clarification of money laundering within the meaning of the Criminal Code, a predicate offense to money laundering or an act in connection with organized crime,

2. the person subject to due diligence and the Liechtenstein Public Prosecutor's Office have been heard and the conditions for granting legal assistance have been met, and

3. the Liechtenstein Public Prosecutor's Office has not objected to the transmission.

2) The prohibition of notification shall be lifted in any case if the conditions for its granting cease to exist, at the latest after twelve months, at the same time as the notification of the persons concerned of the transmission pursuant to paragraph 1. Upon justified request of the foreign authority, the period for lifting the prohibition of notification may be extended once for a maximum period of twelve months, in particular due to special difficulties or the special scope of the investigation.

3) Prior to provisional transmission pursuant to paragraph 1, the requesting foreign authority shall be informed of the possibility of an appeal against the decision still to be issued as well as of the prohibition of utilization and shall be given the assurance that the requesting foreign authority will be informed of the decision.

that in the event of a refusal of mutual assistance, the provisionally transmitted documents and information stored on data carriers are to be returned or destroyed and are subject to a prohibition of exploitation in the proceedings of the requesting state. Article 52(4) shall apply to provisional transmission.

Art. 59

Admission of foreign bodies and parties to the proceedings for mutual legal assistance acts

1) The performance of investigations and procedural acts under this Act by foreign bodies on the territory of the Principality of Liechtenstein is not permitted. However, the competent foreign judge, public prosecutor and other persons involved in the proceedings, as well as their legal advisers, shall be granted access to the files, as well as the right to be present and to participate in mutual assistance proceedings, if this appears necessary for the proper execution of the request for mutual assistance. The

The necessary official activities of foreign bodies, except in the case of cross-border surveillance, shall require the approval of the member of the government responsible for the justice sector.

2) Persons who have been permitted to be present at a judicial assistance procedure in accordance with paragraph 1 may not be prosecuted, punished or have their personal liberty restricted during their stay in the country on account of an act committed before their entry. However, prosecution, punishment or restriction of personal liberty is permitted,

1. if the person admitted to legal assistance proceedings remains on the territory of the Principality of Liechtenstein for more than fifteen days after completion of the legal assistance proceedings, even though he or she was able and permitted to leave it, or

2. if, after leaving the territory of the Principality of Liechtenstein, it returns voluntarily or is lawfully repatriated.

3) If a person admitted for mutual legal assistance treatment is in custody abroad, he or she may be taken over at the request of the other state if the custody is based on a conviction by a competent court or if there is a reason for custody that is also recognized under Liechtenstein law. The transferred person shall be held in custody in Liechtenstein and returned immediately after the execution of the mutual legal assistance proceedings.

V. Taking charge of prosecution and supervision; enforcement of foreign criminal court decisions.

A. Taking over law enforcement

Art. 60

Competence and procedure

1) Requests to take over prosecution shall be preliminarily examined by the member of the Government responsible for the Justice Division. If the request cannot give rise to prosecution, the member of the Government responsible for the Justice Division shall refuse to deal with the request further, otherwise the request shall be sent to the Public Prosecutor's Office. The member of the government responsible for the

Justice may, at any stage of the proceedings, on his own initiative or at the request of the district court or the public prosecutor's office, require the State requesting the prosecution to supplement its records. It shall notify the requesting state of the dispositions made and of the outcome of criminal proceedings.

2) If Liechtenstein jurisdiction is based exclusively on an intergovernmental agreement, the district court shall hear the suspect on the preconditions for taking over the prosecution.

B. Assumption of supervision Art.

61

Requirements

Surveillance of a person who has been convicted by a foreign court and whose sentence has been conditionally suspended, whose sentence or preventive measure has been conditionally suspended, or who has been conditionally released from a custodial sentence or a preventive measure involving deprivation of liberty shall be permissible at the request of another state if

1. the decision of the foreign court was rendered in a procedure in accordance with the principles of Article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms,

2. the conviction was for an act punishable by a court under Liechtenstein law,

3. the conviction was not for one of the criminal acts referred to in Articles 14 and 15,

4. the convicted person is not prosecuted for the act in Germany, legally convi-

has been acquitted by a final court decision or has otherwise been removed from prosecution for a reason other than the absence of Liechtenstein jurisdiction, and

5. the convicted person is domiciled or resident in Germany.

Art. 62

Monitoring measures

The purpose of the supervision is to prevent the offender from committing further acts punishable by law. Insofar as it is necessary or expedient for this purpose, the measures provided for under Liechtenstein law (Sections 51 and 52 of the Criminal Code) shall be ordered with due regard to the foreign decision.

Art. 63

Competence and procedure

1) Requests for supervision shall be forwarded by the Office of Justice to the Regional Court (para. 2). If a request cannot give rise to supervision for one of the reasons specified in Articles 2 and 3(1), or if the request cannot be dealt with in accordance with the law, the member of the Government responsible for the judicial branch shall refuse to deal with the request. At any stage of the proceedings it may, on its own initiative or at the request of the court, require the State requesting the interception to supplement the documents.

2) The district court shall have jurisdiction to decide on the request for supervision and to order the supervision measures. The public prosecutor's office and the convicted person may appeal against this decision to the higher court within fourteen days.

3) The member of the government responsible for the judicial branch shall notify the requesting state of the decision on the request to take over the supervision through the designated channel and shall inform it of the measures ordered on the basis of this request and their result.

C. Enforcement of foreign criminal court decisions Art. 64

Requirements

1) The enforcement or further enforcement of the decision of a foreign-

A final judgment of a court of another State imposing a fine, a custodial sentence, a preventive measure or a pecuniary injunction is admissible at the request of another State if

1. the decision of the foreign court was rendered in a procedure in accordance with the principles of Article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms,

2. the decision was rendered on account of an act which is punishable by a court under Liechtenstein law,

3. the judgment has not been given in respect of any of the offences referred to in Articles 14 and 15, unless enforcement of a pecuniary order of a foreign court is sought in respect of an offence referred to in Article 15(2),

4. under Liechtenstein law, the statute of limitations for enforceability would not yet have run,

5. the person affected by the decision of the foreign court is not being prosecuted for the act in Germany, has been finally convicted or acquitted, or has otherwise been suspended from prosecution.

2) The enforcement of a decision of a foreign court imposing a custodial sentence or a preventive measure is only permissible if the convicted person is a national and is domiciled or resident in Austria.

3) The enforcement of preventive measures is only permitted if Liechtenstein law provides for a similar measure.

4) The enforcement of a decision of a foreign court imposing a pecuniary order is only permissible if the prerequisites for a pecuniary penalty or a pecuniary order exist under Liechtenstein law and a corresponding domestic order has not yet been issued.

5) Moreover, enforcement of a decision of a foreign court imposing a fine or a forfeiture under section 20(3) of the Criminal Code shall be permissible only if it is expected to be enforced in Austria and the person concerned has been heard, provided that he or she can be reached.

6) Moreover, the enforcement of a decision of a foreign court by which a confiscation, a forfeiture, a forfeiture under section 20(1) and (2) of the Criminal Code or an extended forfeiture under section 20b of the Criminal Code has been finally pronounced shall only be permissible if the objects or assets covered by the decision are located in Austria and the person concerned has been heard, provided that

he can be reached.

7) Fines, forfeited assets, and confiscated and confiscated items accrue to the country.

Art. 65

DomesticExecutionDecision

1) If the enforcement of a foreign court decision in criminal matters is taken over, the penalty, preventive measure or pecuniary order to be enforced in Liechtenstein shall be determined in accordance with Liechtenstein law, taking into account the measure pronounced therein.

2) The person affected by the decision must not be placed in a less favorable position by the assumption of enforcement than by enforcement in the other state.

3) Sections 38 and 66 of the Criminal Code shall apply mutatis mutandis.

Art. 66

Handling of incoming requests

Requests for enforcement of foreign criminal court decisions shall be forwarded by the Office of Justice to the Regional Court (Article 67(1)). If, at the time of receipt of the request, there are circumstances that make it inadmissible to take over the execution for one of the reasons specified in Articles 2 and 3, paragraph 1, or if the request is unsuitable for lawful execution, the member of the Government responsible for the judicial branch shall immediately refuse the request. The member of the government responsible for the judicial branch may, at any stage of the proceedings, on his or her own initiative or upon request, refuse the request.

request the district court to require the state requesting the takeover of the execution to supplement the documents.

Art. 67

Competence and procedure

1) The district court shall decide on the request for execution and the adjustment of the sentence, the preventive measure or the pecuniary order by means of an order. The public prosecutor's office and the person concerned may appeal against this order to the higher court within 14 days.

2) The member of the government in charge of the judiciary division has given the er-

The decision on the request to take over the execution shall be communicated to the requesting state by the designated means and the requesting state shall be notified of the execution.

3) After the execution of a sentence or preventive measure has been taken over, criminal proceedings may no longer be instituted for the act on which the sentence is based.

4) The provisions of Liechtenstein law shall apply to execution, conditional release and the right to clemency.

5) Enforcement shall in any event cease when the enforceability of the sentence or preventive measure expires under the law of the requesting State.

VI. Obtaining extradition, transit, extradition, legal assistance, as well as taking over the prosecution, supervision and enforcement of the law.

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A. Obtaining the delivery, the transit and the delivery

Art. 68

Competence and procedure

1) If there is cause to obtain the extradition of a person abroad for trial or for the execution of a custodial sentence or a preventive measure, the district court shall, upon the request of the person concerned, order the extradition of that person.

The prosecutor's office shall provide the Office of Justice with the documents necessary to obtain the extradition at the prosecutor's request.

2) The member of the government responsible for the judicial branch may refrain from effecting extradition if

1. delivery is not to be expected,

2. it is likely that only a fine or a minor or conditional custodial sentence would be imposed,

3. the term of imprisonment to be enforced is minor, or

4. the extradition would entail disadvantages or burdens for the Principality of Liechtenstein that are disproportionate to the public interest in the prosecution or execution.

3) The provisions of paras. 1 and 2 shall apply mutatis mutandis to the effecting of transit and delivery of objects.

Art. 69

Obtaining the extradition custody

If the conditions for extradition are met, the regional court may, at the request of the public prosecutor's office, ask the competent foreign court to impose extradition custody in the manner provided. The member of the government responsible for the judicial branch shall be notified of this immediately.

Art. 70

Delivery specialty

1) A person who has been extradited to Liechtenstein may not, without the consent of the requested State, be prosecuted, punished, deprived of his personal liberty or extradited to a third State solely on account of an offence committed before his surrender and not covered by the extradition warrant, or solely on account of one or more offences which are not in themselves subject to extradition. However, the special nature of extradition does not preclude such measures if

1. the extradited person remains on the territory of the Principality of Liechtenstein for more than forty-five days after his release, although he could and was allowed to leave it,

2. the extradited person leaves the territory of the Principality of Liechtenstein and returns voluntarily or is lawfully returned from a third state, or

3. the requested state waives compliance with the specialty.

2) If the act on which the extradition is based is to be legally assessed differently from the request for extradition, or if provisions of criminal law other than those originally assumed are to be applied, the extradited person may be prosecuted and punished only to the extent that extradition would also be admissible under the new aspects.

3) If the extradition of a person convicted of several concurrent offences has been granted only for the purpose of enforcing the part of the sentence attributable to individual offences, only that part may be enforced. The extent of the sentence to be enforced shall be determined by the district court by order. The public prosecutor's office and the convicted person may appeal against this order to the higher court within fourteen days.

4) The provisions of paras. 1 to 3 shall apply mutatis mutandis also to the transit

to apply.

B. Obtaining mutual assistance Art. 71

Requirements and procedure

1) Requests for judicial assistance shall be addressed to the foreign court, the foreign public prosecutor's office or the authority involved in the execution of criminal penalties or measures in whose territory the judicial assistance is to be provided. The request shall contain the facts on which the proceedings are based and the other information required for proper execution.

2) To the extent that mutual legal assistance is not directly provided for, the member of the government responsible for the judiciary business area may be notified by the

The court shall refrain from forwarding a request for mutual legal assistance for one of the reasons stated in Articles 2 and 3(1).

Art. 72

Subpoena of persons from abroad

1) If the personal appearance of a person to be questioned before the court proves necessary, the competent foreign court shall be requested to serve the summons in the manner provided for. The summons may not contain threats of coercion in the event of non-compliance.

2) The summoned person may not be prosecuted, punished or restricted in his or her personal liberty in the country for an act committed prior to his or her entry. However, prosecution, punishment or restriction of personal liberty is permitted,

1. for a criminal act that is the subject of a summons issued to a person as a defendant,

2. if the summoned person remains on the territory of the Principality of Liechtenstein for more than fifteen days after the conclusion of the interrogation, although he or she was able and permitted to leave it, or

3. if, after leaving the territory of the Principality of Liechtenstein, it returns voluntarily or is lawfully repatriated.

Art. 73

Transfer of arrested persons for evidence purposes

1) A person in custody abroad may be transferred to Liechtenstein for the performance of important investigative acts, in particular for the purpose of his or her interrogation or surrender. The provisions of Art. 59 paras. 2 and 3 shall apply mutatis mutandis.

2) If a person who is being held in custody under investigation or in criminal custody on the basis of a Liechtenstein court decision is to be transferred abroad for the purpose of an important investigative act to be carried out, in particular an interrogation or confrontation, Art. 54 shall apply mutatis mutandis. However, the consent of the person to be transferred (Art. 54 para. 1 no. 1) is not required.

C. The acquisition of the prosecution, supervision and execution of domestic criminal offenses.

of judicial convictions abroad Art. 74

Obtaining the assumption of prosecution

1) The member of the Government responsible for the Judiciary Division may request another State to initiate criminal proceedings against a person for an offence subject to Liechtenstein jurisdiction if the jurisdiction of that State appears to be well founded, and

1. the extradition of a person abroad cannot be obtained or the extradition is not obtained for another reason, or

2. if the sentencing of a person in Germany is expedient in the other state in the interest of ascertaining the truth or for reasons of sentencing or execution and if this person is extradited for another criminal offense or it can otherwise be assumed that the criminal proceedings in the other state will be conducted in the presence of this person.

2) If there is a reason to take over the prosecution, the public prosecutor's office shall report this to the member of the government responsible for the judiciary division, attaching the necessary documents.

3) A request under paragraph 1 is inadmissible if there is reason to fear that the person would be subjected to a disadvantage for one of the reasons listed in Art. 19, or if the criminal act is punishable by death in the requested State.

4) Upon receipt of the notification that the prosecution in the requested state has been over-

If the offender has been convicted by a foreign court with final effect, the domestic criminal proceedings shall be based on the offender for the time being. If the offender has been finally convicted by the foreign court and the sentence has been fully executed or, insofar as it has not been executed, has been remitted, the domestic proceedings shall be discontinued.

5) Before a request to take over prosecution, the suspect must be heard if he is in the country.

Art. 75

Effect of monitoring

If there is cause to request another state to supervise a person for whom a probationary period has been determined on the basis of the decision of a domestic court pursuant to sections 43, 45, 46 or 47 of the Criminal Code or section 8 of the Juvenile Court Act, the district court shall transmit to the Office of Justice the documents necessary to obtain the supervision. Before a request for supervision is made, a statement shall be obtained from the public prosecutor's office and the convicted person shall be heard if he or she is in the country.

Art. 76

Obtaining the execution

1) If there is reason to request another state to take over the enforcement of a final decision imposing or revoking a sentence or a preventive measure or making an order in respect of property, the regional court shall forward to the Office of Justice the documents required to obtain the takeover of enforcement. The member of the Government responsible for the judicial branch shall refrain from submitting the request if it is likely that the takeover of the execution will be refused for reasons of the kind referred to in Art. 2, 3 par. 1 or in par. 3 items 2 and 3.

2) A request to take over the execution of a custodial sentence or preventive measure shall be admissible if

1. the sentenced person is in the requested State and extradition cannot be effected or extradition is not effected for any other reason, or

2. the enforcement purposes could be better achieved by enforcement or further enforcement in the requested state.

3) The taking over of the execution of a custodial sentence or preventive measure may not be requested if

1. the convicted person is a national, unless he is domiciled or resident and located in the requested State,

2. it is feared that the punishment or preventive measure will be applied in a manner consistent with the requirements of Art. 3 of the Convention for the Protection of Human Rights and Funda- mental Freedoms.

The Commission is of the opinion that the law would not be enforced in a manner consistent with human rights and fundamental freedoms,

3. there is reason to fear that the sentenced person, if transferred to the requested State, would be subject there to persecution or disadvantages of the kind referred to in paragraph 3 of Article 19, or

4. it is to be feared that the sentenced person would be considerably worse off in the other state in terms of the overall effect than through enforcement or further enforcement in Germany.

4) A request to take over the enforcement of a pecuniary penalty or a pecuniary order is admissible if it can be expected to be collected in the requested State.

5) If the requested State notifies that it is taking over enforcement, the latter shall be provisionally based on itself in Liechtenstein. If the sentenced person returns to the territory of the Principality of Liechtenstein without the sentence or preventive measure ordered in the requested State on the basis of the request to take over enforcement having been fully enforced or without provision having been made for the non-enforced part, the Regional Court shall have the remainder of the sentence or preventive measure enforced. However, the Regional Court shall refrain from subsequent execution and conditionally or unconditionally release the sentenced person from the remainder of the sentence or from the preventive measure if the execution would have placed the sentenced person in a less favorable position overall than if the execution that took place abroad had taken place in Liechtenstein.

6) If enforcement of a sentence imposed for several concurrent offences has been obtained only in respect of the part relating to individual offences and the sentence is not shared in the requested State, Article 70(3) shall apply mutatis mutandis.

7) The provisions of Liechtenstein clemency law shall continue to apply to the penalty or pecuniary order to be enforced in the requested State.

8) The surrender of the sentenced person to the authorities of the requested state shall be arranged by the regional court (para. 1) in analogous application of Art. 36 para. 1.

9) Before a request is made to take over enforcement, a statement must be obtained from the public prosecutor's office and the person concerned must be heard if he or she is in the country.

VII. Legal protection

Art. 77

Appeals

1) There shall be no right of appeal against the orders of the member of the Government responsible for the Judicial Branch.

2) In judicial proceedings, the remedies of the Code of Criminal Procedure shall apply mutatis mutandis, unless otherwise provided by this Act.

3) No appeal is permitted against Liechtenstein requests to another state.

VIII. Transitional and final provisions

Art. 78

Transitional provision

The previous law shall apply to mutual assistance and extradition proceedings pending at the time this Act enters into force.

Art. 79

Reporting requirement

The courts and the member of the government responsible for the judicial branch shall promptly inform each other of their orders made in the mutual legal assistance proceedings.

Art. 80

Executive Orders

The Government shall issue the regulations necessary for the implementation of this Act.

Art. 81

Repeal of previous law

The Act of 11 November 1992 on International Mutual Assistance in Criminal Matters (Mutual Assistance Act), LGBl. 1993 No. 68, is repealed.

Art. 82

Entry into force

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

VII. Criminal Law Adjustment Act (StRAG)

of May 20, 1987

Art. I *Scope of application*

1) The Criminal Law Adjustment Act shall apply to all criminal law provisions contained in existing laws and ordinances issued thereunder, hereinafter referred to as ancillary criminal law provisions, insofar as they assign the punishment of unlawful and culpable acts to the courts.

2) The same shall apply to future ancillary provisions of criminal law, unless otherwise provided therein.

Art. II

Law competition with the General Part of the Criminal Code

1) The General Part of the Criminal Code shall apply to all offenses punishable by judicial punishment in ancillary criminal provisions, unless otherwise provided in the Criminal Code Adjustment Act.

2) § Section 7 para. 1 of the Criminal Code shall not apply to ancillary criminal provisions pursuant to Art. I, para. 1, as far as misdemeanors and infractions are concerned. For these, unless expressly provided otherwise, it shall continue to apply that both intentional and negligent acts are punishable. In the case of future ancillary criminal

The presumption of conformity with the provisions of Art. I para. 2, this presumption is limited to transgressions.

3) The general time limits of Sections 57 and 58 of the Criminal Code for the statute of limitations for prosecution shall apply to offenses punishable under ancillary criminal provisions only to the extent that such ancillary provisions do not provide for special time limits.

Art. III

Assignment of the punishable acts

1) The provisions in subsidiary criminal legislation that acts punishable by law are felonies, misdemeanors or infractions shall be repealed.

2) Whether an act constitutes a felony or a misdemeanor shall be determined by Section 17 of the Criminal Code in conjunction with Article IV, Paragraph 5 of this Act.

3) Acts punishable by a court of law in ancillary criminal provisions that are neither felonies nor misdemeanors within the meaning of subsection 2 shall continue to be referred to as transgressions.

Art. IV

Penalties for crimes and misdemeanors

1) Felonies and misdemeanors are punishable by imprisonment or a fine.

2) Insofar as the punishment of severe imprisonment, imprisonment, strict confinement, detention or another type of imprisonment is threatened in ancillary provisions of criminal law, in the case of felonies and misdemeanors the imprisonment pursuant to Section 18 of the Criminal Code shall take its place.

3) There is no aggravation of the custodial sentence.

4) Insofar as a fine is to be imposed for felonies or misdemeanors under ancillary provisions of criminal law, it shall be assessed in daily rates within the meaning of Section 19 of the Criminal Code.

5) The existing penalties for felonies and misdemeanors are replaced by the penalties listed in Appendices 1 (felonies) and 2 (misdemeanor division).

Art. V

Punishment of violations

1) Violations are punishable by a fine.

2) Fines, as a special type of fine, are not subject to the daily rate system, but are assessed according to the general principles of Section 32 of the Criminal Code. In imposing a fine, due consideration shall be given in particular to the personal circumstances and economic capacity of the offender at the time of the judgment at first instance.

3) At the same time as the fine, the term of imprisonment to be imposed in its place shall be determined in the event of uncollectibility; unless otherwise provided by law, it may not exceed six months. The principles set out in paragraph 2 shall also be applied in determining the amount of the custodial sentence, and not according to a rigid conversion key.

4) The previous penalties for misdemeanors are replaced by the penalties listed in Appendix 2 (Misdemeanor Division).

5) In case of coincidence of felonies or misdemeanors with infractions, the

fine for the misdemeanors to be assessed separately. The subsequent conviction for misdemeanors shall not be grounds for revoking the conditional leniency or conditional release from imprisonment granted at the time of conviction for a felony or misdemeanor.

Art. VI

Procedure in the event of equal penalties or fines for intentional and negligent acts

1) If, in accordance with the provisions of Article II, paragraph 2, a subsidiary criminal provision places both intentional and negligent acts under the same penalty, the upper penalty limits specified in Annex 2 shall be reduced by half in the case of negligent acts.

2) Paragraph 1 applies to the sentence of "1 year of imprisonment or 360 daily sentences" with the proviso that half of the upper limit is six months or 360 daily sentences.

Art. VII

Use of fines and penalties

All fines and penalties shall be forfeited to the State. Other provisions on dedication contained in ancillary provisions of criminal law shall be repealed insofar as they do not have as their object the satisfaction or securing of claims for compensation of the persons harmed by the criminal act in question.

Art. VIII

Ancillary penalties

1) The ancillary judicial penalties occurring in ancillary criminal provisions shall be repealed to the extent that they are not

a) find their coverage in the General Part of the Criminal Code or

b) concern the people's rights or

c) can be imposed in private prosecution proceedings.

2) The same applies to the secondary consequences of a criminal court conviction that occur in ancillary provisions of criminal law.

3) The provisions on judicial confiscation, however designated in ancillary criminal law provisions, shall remain unaffected.

4) The special powers of the administrative and disciplinary authorities shall also remain unaffected.

Art. IX

Law competition with the Special Part of the Criminal Code

1) Insofar as an offense regulated in the Special Part of the Criminal Code and an offense regulated in a subsidiary provision of criminal law coincide, the subsidiary provision of criminal law shall be applied insofar as it does not refer back to the Criminal Code. In this case, if the Criminal Code is applied, the additional penalties or measures provided for in the subsidiary criminal provision may also be imposed, provided that the requirements of Article VIII are fulfilled. Conversely, the grounds for exclusion and cancellation of punishment provided for in the special part of the Criminal Code shall also be applied if the offence is to be judged in accordance with the subsidiary provision of criminal law.

2) If an offence that is regulated both in the special part of the Criminal Code and in a subsidiary provision of criminal law is only partially covered, the offence shall be judged in accordance with the more extensive provision that applies in the individual case, unless expressly provided otherwise. Paragraph 1, second and third sentences, shall apply mutatis mutandis.

Art. X

Referrals

Where reference is made in laws or ordinances to provisions of criminal law in place of which new provisions take effect upon the entry into force of the Criminal Code, such references shall refer to the corresponding new provisions of the Criminal Code, including this Criminal Code Amendment Act.

Art. XI

State treatySpecial regulations

The Criminal Code, the ancillary provisions of criminal law and the relevant supplementary provisions of the Criminal Law Adjustment Act shall not apply to the extent that and for as long as a different law applies to certain criminal offenses on the basis of international treaties.

Art. XII

Juvenile criminal law

Juvenile criminal law is governed by a special adjustment law.

Art. XIII

Entry into force

1) This Law shall enter into force, subject to the provisions of Art. XIV, shall enter into force simultaneously with the Criminal Code.

2) On the date of entry into force of this Act and its annexes, all provisions in ancillary criminal legislation that conflict with the Criminal Code and the Criminal Code Adaptation Act shall cease to have effect, unless otherwise provided for in this Act. Ins-

in particular, the provisions of criminal law listed in Annex 3 shall be repealed insofar as they are still in force at the time of the entry into force of this Act.

Art. XIV

Postponement of the entry into force of individual provisions of the Criminal Code

1) The provisions relating to the measures specified in sections 21, 22 and 23 of the Criminal Code shall enter into force as soon as their enforcement is ensured by domestic institutions or international treaties.

2) The provisions on probation assistance within the meaning of Sections 50 et seq. of the Penal Code shall enter into force as soon as corresponding institutions have been established.

3) Upon the occurrence of the conditions under subsections (1) and (2), the entry into force of the provisions referred to therein shall be announced by the Government in the State Gazette.

Art. XV

Transitional provisions

1) Sections 27, 28, 31 to 38 and 40 to 56 of the Criminal Code shall also apply to acts to which the laws that applied before the entry into force of this Act and the Criminal Code shall otherwise apply.

2) This Act and the Criminal Code shall not apply in criminal cases in which the judgment was rendered in the first instance before its entry into force. However, after such a judgment has been set aside as a result of an ordinary appeal or other legal remedy, proceedings shall be instituted in accordance with sections 1 and 61 of the Criminal Code in conjunction with subsection 1 above.

3) The provisions of the Criminal Code on the fact that the perpetrator of a punishable act may be brought to justice only at the request, on the application or with the authorization of a person to

shall also apply to criminal acts committed before the entry into force of the Criminal Code, unless at the time of entry into force the indictment or petition for punishment had already been filed.

VIII. Penal Execution Act (StVG)

from 20 September 2007

I. General provisions

I. General provisions Art. 1

Definitions; Designations

1) For the purposes of this Act means:

a) Criminal judgment: any decision of a criminal court imposing a custodial sentence for a criminal act assigned to the courts for adjudication;

b) Convicted person: any person on whom a sentence of imprisonment has been imposed in a criminal judgment;

c) Prisoner: any convict on whom a sentence of imprisonment imposed in a criminal judgment is executed;

d) Placed person: any person on whom a preventive measure involving deprivation of liberty is carried out;

e) Penal term: the time which the convicted person has to serve in penal custody on the basis of a criminal judgment or several criminal judgments to be executed immediately one after the other. Any imprisonment serving the execution of a criminal judgment shall be deemed to be penal imprisonment. If the time to be credited to the sentence exceeds one month, it shall be credited in months, days and hours, otherwise in days or hours. As far as fractions of years,

If the number of months or weeks of the penalty period does not add up to a whole year, month or week, one year is equal to twelve months, one month to thirty days and one week to seven days;

f) Prison physician: a public health officer or a physician acting on behalf of a public health officer who performs tasks related to the execution of sentences or criminal proceedings.

2) Unless expressly provided otherwise, the personal, professional and functional terms used in this Act shall be understood as referring to members of the female and male sexes.

Art. 2

Application of the law to juveniles

This Act shall apply to the execution of juvenile penal sanctions and to the execution of preventive measures involving deprivation of liberty in respect of juveniles only to the extent that the Juvenile Court Act does not provide otherwise.

II. Order of execution of criminal sentences of imprisonment Art. 3

Enforcement order

1) If a person sentenced to imprisonment is to be executed, the execution of the sentence shall be ordered and the state prison shall be notified of the order. A copy of the sentence shall be sent to the prison at the same time as the notification or as soon as possible. If the mental state of the convicted person or his other state of health has been examined by experts in the course of the criminal proceedings, a copy of the expert opinion shall also be attached to the notification.

2) If a convicted person who is at liberty does not immediately begin serving the sentence, he shall be summoned in writing to begin serving the sentence within one month of being served in the state prison. The summons shall contain a warning that the convicted person will be brought before the court if he fails to do so. If the convicted person fails to comply with this demand, he shall be ordered to be brought before the court to serve his sentence. The summons

shall also be ordered if the sentenced person attempts to escape from the execution of the custodial sentence by absconding, if there are reasonable grounds for fearing that he will attempt to do so, or if he has been ordered to be placed in an institution for mentally abnormal offenders or offenders in need of weaning or for dangerous recidivists.

3) If the whereabouts of the convicted person are unknown, sections 285 to 290 of the Code of Criminal Procedure shall apply mutatis mutandis.

4) Convicted persons who are already in custody for the execution of custodial sentences shall be transferred to the penitentiary system.

5) If one of the persons referred to in Section 112 of the Code of Criminal Procedure has to be detained for the execution of a custodial sentence, the immediate superior of that person shall be notified thereof.

Art. 4

Abandonment of execution of sentence due to extradition

If the convicted person is extradited to a foreign authority, the enforcement

to refrain provisionally from imposing a custodial sentence on him, unless for special reasons immediate execution is required in order to prevent the commission of criminal acts by others. If the extradited person returns to Germany, the sentence shall be executed. However, the subsequent execution of the sentence shall be dispensed with and the sentence shall be conditionally suspended in whole or in part if a sentence has been executed on the convicted person abroad and the convicted person would be in a less favorable position as a result of the execution of the sentence than if a Liechtenstein court had ruled on all the actions.

Art. 5

Postponement of the execution of the sentence due to unfitness for execution

1) If the execution of a sentence in accordance with the nature of the custodial sentence (Article 19) is not feasible with the facilities of the institutions for the execution of custodial sentences under consideration because of illness or injury, disability or other physical or mental weakness, or if, with regard to one of these conditions, the life of the convicted person would be endangered by transfer to the institution in question, the commencement of the execution of the sentence shall be postponed until the condition has ceased.

2) If the sentenced person is pregnant or has given birth within the last year, the commencement of the execution of the sentence shall be postponed until the end of the eighth week after the birth and beyond that as long as the child is in the care of the sentenced person, but at most until the end of one year after the birth. However, execution of the sentence shall be commenced as soon as the sentenced person herself requests it, there is no danger to her health or to the child from the execution of the sentence, and execution of the sentence can be carried out in a manner consistent with the nature of the custodial sentence.

3) Convicted persons who cannot be sentenced to imprisonment under subsection 1 or 2 shall instead be imprisoned in accordance with the following provisions if:

a) the convicted person, according to the nature or motive of the criminal act for which he has been convicted, or according to his conduct in life

1. for the security of the state or the person or

2. is particularly dangerous for the safety of the property;

b) the term of imprisonment exceeds three years and it can be assumed that the sentenced person would evade the execution of the term of imprisonment in the event of a postponement; or

c) the placement of the convicted person has been ordered in an institution for mentally abnormal offenders or offenders in need of detoxification or for dangerous recidivists.

4) In the cases referred to in paragraph 3(a)(2) and (b), however, such detention may be carried out only if the sentenced person can be properly treated in the institution for the execution of custodial sentences which is suitable for that purpose and his life would not be endangered by transfer to that institution; in the cases referred to in paragraph 3(a)(1) or (c), on the other hand, if necessary, execution shall be carried out in a suitable hospital (Article 69(2) and (3)).

5) The provisions of this Act on the execution of custodial sentences shall apply mutatis mutandis to imprisonment in lieu of a custodial sentence. The custodial sentence shall be deemed to have been executed in accordance with the duration of the imprisonment.

Art. 6

Deferment of execution of sentence for other reasons

1) If the convicted person, according to the nature and motive of the criminal act for which he has been convicted, and according to his life

If the person in question is not a particularly dangerous person, neither for the security of the state, nor for the person or property, and if his placement in an institution for mentally abnormal offenders or offenders in need of weaning or dangerous recidivists has not been ordered, the commencement of the execution of a custodial sentence shall be postponed if:

a) the extent of the custodial sentence to be executed does not exceed three years and the sentenced person applies for the postponement for important personal reasons, in particular in order to be executed within the country:

1. to visit a relative (Section 72 of the Criminal Code) or another person particularly close to him or her who has suffered a life-threatening illness or injury;

2. Attend the funeral of any of these persons; or

3. to arrange important family matters in connection with one of the occasions listed in items 1 and 2 or with the divorce or judicial dissolution of a registered partnership of a relative;

b) the extent of the term of imprisonment to be executed does not exceed one year at the request of the convicted person, if the postponement is necessary for the subsequent advancement of the convicted person, for the business in which the convicted person is engaged, for the maintenance of the persons dependent on him or for the recovery of the debt.

of the damage appears more expedient than immediate execution.

2) However, in the cases referred to in subsection 1(a), deferment may be granted only for a maximum period of one month, and in the case referred to in subsection 1(b), only for a maximum period of one year, in all cases calculated from the day on which the convicted person would have had to begin serving the sentence without deferment. An application by the convicted person under subsection 1(a) or (b) shall be deemed equivalent to an application by a relative, and in the case under subsection 1(b) also to an application by the employer, if the convicted person consents to the application.

3) Furthermore, the commencement of the execution of a custodial sentence shall be postponed after hearing the convicted person if and as long as, in the case of proceedings for a decision on the subsequent pronouncement of the sentence or the revocation of the conditional leniency of a custodial sentence, the part of a custodial sentence or a conditional release, the regional court has not yet decided on this and, in the case of a subsequent pronouncement of the sentence or revocation, has not also ordered the execution of the sentence.

4) If the court grants a stay of execution under subsection 1(b), it shall issue instructions to the convicted person (section 51 of the Criminal Code) and appoint a probation officer (section 52 of the Criminal Code) if this is necessary to prevent the convicted person from recidivating.

5) The deferment shall be revoked and the term of imprisonment shall be executed if:

a) the convicted person fails to comply with the instructions of the court or persistently evades the influence of the probation officer;

b) he or she attempts to evade the execution of the sentence by escaping or there are reasonable grounds for fearing that he or she will attempt to do so;

c) there is a strong suspicion that the person has committed a new criminal act.

Art. 7

Competence and procedure

1) The order of execution (Art. 3) and the decisions under Arts. 4 to 6 shall be vested in the presiding (single) judge of the recognizing court.

2) The decisions referred to in Articles 4 to 6 shall be made by order. The public prosecutor's office and the convicted person may appeal against this decision to the Supreme Court. The appeal shall be lodged within 14 days. The procedure shall be governed by the Code of Criminal Procedure.

3) If it is not possible to decide on an application for one of the decisions under articles 4 to 6

If a decision is to be taken immediately, the execution of the sentence shall be provisionally suspended until a decision is taken, unless immediate execution is necessary to prevent the commission of criminal acts by others and the application is not obviously futile.

III. Execution of custodial sentences

A. Institutions and authorities of the penitentiary system

1. Institutions for the execution of custodial sentences

Art. 8

Prisons

1) Judicial custodial sentences shall be executed in institutions suitable for that purpose. For this purpose, the Government may place persons under sentence in a foreign institution. Intergovernmental regulations remain reserved.

2) Institutions shall be managed in such a way that male and female prisoners held in the same institution are separated from each other. Insofar as certain prisoners are to be held in special facilities of the institutions, individual placement in a specially secured cell (Article 96, paragraph 2, subparagraph (e)), detention in a special individual room (Article 108, paragraph 1) and seclusion in a special individual room (Article 110, paragraph 2) may nevertheless be carried out in rooms which are otherwise also intended for other prisoners.

2. Enforcement authorities, supervision and data protection Art. 9

Enforcement authority of first instance

1) The enforcement authority of first instance is the head of the institution.

2) In accordance with the provisions of this Act, the prison director shall be responsible for supervising the execution of sentences in the state prison and for deciding on complaints against prison staff or their orders.

3) The prison governor shall provide the Government with all information necessary for the exercise of its supervision. In addition, he shall inform the Government without delay of the lodging of complaints or of any special occurrences in the state prison.

Art. 10

Legal protection

The decision on complaints against the head of the institution or against one of

decision or order rendered by him shall be vested in the Administrative Appeals Board.

Art. 11

Government supervision

The government is responsible for overseeing all enforcement activities.

Art. 12

Data processing

The prison administration may process or cause to be processed personal data, including data revealing ethnic origin or religious beliefs, health data and personal data relating to criminal convictions and offences committed by prisoners, to the extent necessary for the performance of its tasks under this Act.

Art. 13

Data transmission

The transmission of data pursuant to Art. 12 between the state prison, the state police, the government, the prison physician, the courts, the public prosecutor's office and the probation service, as well as with other agencies, shall be permitted only if such data are provided for the performance of a statutory task under this or any other law and the submission of the data is necessary for this purpose.

Art. 14

Deletion of personal data

1) Data pursuant to Art. 12 shall be deleted as follows, with the exception of those listed in paras. 2 to 4:

a) in the case of pre-trial detainees, after the expiry of ten years from the date of notification of a decision terminating the proceedings.

The data must not be stored in the state prison because of the receipt of the data;

b) in the case of prisoners sentenced to a term of imprisonment, after the expiration of ten years from the date on which the imprisonment ended;

c) in the case of mentally abnormal lawbreakers under Section 21(1) of the Criminal Code, after the expiry of eighteen years from the date on which the placement was terminated;

d) in the case of other liabilities, after the expiry of ten years from the date on which

the detention was terminated.

2) If a person has been subject to several detentions or placements, the data not yet deleted by the start of the last detention shall be deleted together with the data from the last detention only at the time when the longest period for deleting data ends.

3) Only 80 years after the date specified in paragraph 1 are to be deleted:

a) Name and first name;

b) Date and place of birth; and

c) Type of detention and period of detention.

4) Art. 12 data of prisoners sentenced to life imprisonment shall not be deleted until 80 years after the end of the sentence.

3. Enforcement Court

Art. 15

Responsibility

1) The Landas Vollzugsgericht decides on:

a) the contribution of the convicted person to the costs of the execution of the sentence (Art. 28);

b) the forfeiture of money and property (Art. 34);

c) the interruption of a term of imprisonment, revocation and non-inclusion in the term of imprisonment of the time spent outside the penal custody (Art. 91);

d) non-inclusion of the time of an exit or time spent outside the punishment in the punishment period (Arts. 92 and 129a);

e) the maintenance of the security measure provided for in Art. 96, para. 2, subpara. e, if it lasts more than one week;

f) the maintenance of any of the security measures provided for in Art. 96, para. 2, subpara. f, if they last more than 48 hours;

g) non-inclusion of time spent under house arrest in the term of punishment (Art. 109);

h) holding a criminal detainee in solitary confinement against his will, if such confinement lasts more than four weeks (Art. 119);

i) the postponement of the execution of the sentence (Art. 126);

k) conditional dismissal and related orders,

on the revocation of the conditional release and on the fact that the conditional release has become final, unless otherwise provided for in Article 154 (Sections 46, 48 to 53 and 56 of the Criminal Code).

2) In the cases referred to in paragraph 1 letters a to i, the decision shall be made by a single judge. In the case referred to in subsection 1(k), it shall be the responsibility of the criminal court, but if the decision relates exclusively to the execution of a custodial sentence imposed in proceedings in which a single judge gave judgment at first instance or exclusively to the issuing of instructions, the appointment of a probation officer or final release, it shall be the responsibility of a single judge.

Art. 16

Judicial proceedings

1) Before making any decision, the court shall obtain a statement from the head of the institution, the public prosecutor's office and the convicted person.

2) If the facts of the case do not appear to be sufficiently clear with regard to the state of health or nature of the convicted person, the physician or psychologist working in the state prison and, if necessary, other medical or psychological experts shall also be heard before a decision is made.

3) The court shall decide by order. This decision shall always be made known to the convicted person himself. Upon request, a copy of the decision shall also be served on his legal counsel.

4) The public prosecutor's office and the convicted person may appeal against the decision to the Supreme Court. The appeal must be lodged within 14 days. If the convicted person has requested that a copy of the order be sent to his or her legal counsel, the time limit for lodging an appeal shall expire.

filing of the appeal for the legal counsel from the day of this notification. The procedure shall be governed by the Code of Criminal Procedure.

4. Enforcement Commission Art. 17

1) The Government shall appoint a commission for a period of four years, the members of which shall not be bound by any instructions in the exercise of their functions. The commission shall be responsible for ensuring that the rules governing the execution of sentences, in particular the treatment of prisoners, are strictly observed.

2) The Commission shall consist of five members, who shall elect from among themselves a Chairman and a Vice-Chairman for each year of their service.

3) Only persons who are capable of acting and trustworthy may be appointed as members. At least two of the members may not be in the service of the state administration, and at least two must be women. When appointing members, special consideration shall be given to persons who can be expected to have an understanding of the execution of custodial sentences.

4) The commission may act only in the presence of the chairman and at least three other members.

5) The commission shall make an unannounced visit to the state prison once every quarter. The Commission shall be free to make additional visits. Upon request, the State Prison shall provide the Commission with the necessary information on the prisoners and allow it to inspect the prison records. The commission shall be entitled to talk to the prisoners accommodated in the state prison without the presence of other persons.

6) After each visit to the state prison, the commission shall report in writing to the government within 14 days on its activities and, if it deems it necessary, make suggestions.

7) In the performance of their duties, the members shall be equivalent to civil servants within the meaning of Section 74 (4) of the Criminal Code. They are subject to the obligation to maintain official secrecy and are not obliged to disclose the identity of a person providing information or to report conduct that is punishable by law.

8) The allowance for expenses is based on the Act on the Remuneration of Members of the Government and Commissions and the

part-time judges and ad hoc judges. The government has the right to decide on the application.

9) Members who abuse their office are to be removed by the government.

5. Enforcement documents Art. 18

1) A register of all prisoners shall be kept in the state prison.

2) All business documents concerning the same prisoner shall be united as a personal act of that prisoner.

B. Principles of the penitentiary system

1. General principles

Art. 19

Purposes of the penitentiary system

1) The execution of custodial sentences is intended to help the convicted person to adopt a righteous attitude to life, adapted to the requirements of community life, and to deter him from pursuing harmful inclinations. The execution of the sentence is also intended to demonstrate the unworthiness of the conduct on which the conviction is based.

2) In order to achieve these purposes and to maintain security and order in the prison, the prisoners shall, in accordance with the provisions of this Act and the regulations based thereon, be isolated from the outside world, subjected to other restrictions on their way of life and influenced educationally.

3) If pre-trial detention is not imposed or maintained solely because the accused is in criminal custody, the relaxation in the isolation of the prisoner from the outside world provided for in the execution of custodial sentences as compared with the execution of pre-trial detention shall be omitted for as long and to the extent as the purpose of pre-trial detention requires in the individual case.

Art. 20

Closure

1) Unless otherwise provided for in this Act, prisoners may not leave the prison for the execution of custodial sentences until their release, may perform outside work only under supervision, and may not communicate with persons outside the national prison.

2) The nature and extent of communication between persons working in the penal system, persons otherwise working for the institution, as well as employees of the public administration, entrepreneurs, other private clients (Art. 42 Para. 2) and their employees on the one hand, and prisoners on the other, shall be determined by the purposes of the penal system.

Art. 21

Treatment of prisoners

1) Prisoners shall be treated calmly, seriously and firmly, fairly and with respect for their sense of honor and human dignity. They shall be addressed as "you" and, if an individual prisoner is addressed by his or her family name, as "Mr." or "Mrs." and by that name.

2) Prisoners may be subject to restrictions only in accordance with the law.

or benefits and relaxations of the penal system are granted.

3) All orders and decisions made in the penitentiary system outside of judicial proceedings shall be made without formal proceedings and without the issuance of a decree, unless otherwise stipulated below; however, if it appears necessary, the essential content of the order or decision shall be recorded in the personal file of the prisoner. In the cases referred to in Articles 110 and 115, on the other hand, the prison director or the prison official specially entrusted with this task shall conduct an investigation and issue an order. All orders and decisions issued in the penitentiary system, including orders, shall be communicated orally to the prisoners. Prisoners shall have the right to request a written copy of the decision only in the cases specified in Articles 16, 110 and 115.

4) Prisoners shall be instructed, if necessary, on the content and also on the meaning of any measure taken or to be taken with regard to them and shall be guided in the performance of their duties.

Art. 22

Perks

1) A prisoner who shows that he will cooperate in achieving the purposes of the penitentiary system shall be granted appropriate benefits upon his request.

2) As benefits, only such deviations from the general type of execution of punishment determined in this Act may be permitted that do not impair the purposes of this execution (Article 19), in particular those that promote the preparation of the prisoner for a life free of punishment in freedom.

3) The head of the institution shall decide on the granting, restriction and withdrawal of benefits, without prejudice to the provisions of this Act on the procedure in case of misdemeanors and complaints.

4) Insofar as a prisoner abuses the benefits granted to him or otherwise the conditions under which they were granted subsequently cease to apply, the benefits shall be restricted or withdrawn.

Art. 23

House rules

1) The head of the institution shall issue the orders on visiting hours (Art.

85, para. 1), on the oral presentation of requests and complaints (arts. 113 and 114, para. 2), and on other general orders concerning the execution of sentences issued in consideration of the conditions of the prison, insofar as they concern the conduct of the prisoners and are not of a merely temporary nature, shall be summarized in house rules. The house rules shall require the approval of the Government.

2) A copy of the house rules and the provisions of this Act concerning the conduct of prisoners shall be placed in each room.

Art. 24

General obligations of prisoners

1) Prisoners shall obey the orders of the persons working in the penitentiary system. They may only refuse to obey orders if the order violates criminal law or if obeying it would violate or obviously violate human dignity.

2) Prisoners shall refrain from doing anything that could jeopardize security and order in the prison or otherwise endanger the implementation of the principles of the penal system. They shall behave in a manner dictated by decency.

3) Prisoners are not allowed to leave the rooms assigned to them for their stay on their own authority or to change the places assigned to them during work, outdoor exercise, in the common dormitory or otherwise. They must adhere to the daily schedule.

4) Prisoners shall do their utmost to support efforts aimed at instilling a righteous attitude toward life and reintegrating them into community life.

Art. 25

Prohibition of self-harm and tattooing

1) Prisoners shall not injure their bodies or damage their health in order to render themselves unfit to perform their duties, nor shall they allow themselves to be injured or damaged by another for this purpose.

2) Tattooing is prohibited.

Art. 26

Business and gambling ban

1) Prisoners shall not communicate with any person working in the penitentiary system or

transact business with another criminal inmate or sub- ject inmate held in the state prison.

2) Prisoners shall not participate in lottery games and other games for a stake.

3) Unless otherwise provided for in this Act and unless there is reason to fear that the order of the penal system will be jeopardized, prisoners may accept food and stimulants of low value as gifts; the decision in this regard shall be made by the prison warden or the prison officer directly supervising the prison authorized by him.

Art. 27

Maintenance

1) The state prison shall provide for the maintenance of prisoners in accordance with the provisions of this Act.

2) Insofar as prisoners may obtain goods or services in return for payment, they may only use the house money for this purpose, except in the cases specified in this Act.

Art. 28

Costs of the penitentiary system

1) Unless otherwise provided below, each convicted person shall contribute to the costs of the execution of the sentence for his or her maintenance (Article 27(1)).

2) If the prisoner receives remuneration for work, the contribution to costs amounts to up to 75% of the respective remuneration, depending on the specific order; otherwise it amounts to half the daily rate of remuneration for housekeeping employees according to the standard employment contract for each day of the prison term.

3) The collection of a contribution to costs pursuant to the first case of paragraph 2 shall be effected by deduction from the remuneration for work.

4) The obligation to pay a contribution to costs pursuant to subsection 2, second case, shall not apply if the prisoner is not at fault, either intentionally or through gross negligence, for not having performed any work or for not having performed work satisfactorily, or if the collection of the contribution to costs is out of the question by analogous application of section 308 of the Code of Criminal Procedure.

5) If the head of the institution is of the opinion that the obligation of the convicted person to pay a contribution to costs according to subsection 2 second case does not cease according to subsection 4,

Within eight days of the release, he or she shall file an application with the court for the determination of a contribution to costs.

file an application. The enforcement court shall decide on this application within one month (Art. 15 par. 1 letter a).

Art. 29

Compensation for special expenses and damage to the institution's property

1) If a prisoner causes special expenses due to an escape, intentional self-harm or culpably caused damage to the property of the institution, he shall compensate for such expenses.

2) In order to secure the claim for compensation, the Land shall have a right of retention over the prisoner's assets even before a decision on the claim has been made. The right of retention shall be subject to the same restrictions that apply to the collection of the amounts to be secured.

Art. 30

Possession of objects

1) Prisoners shall not have in their custody any money or other property other than that which was left with them at the time of their reception or which was properly handed over to them at a later date.

2) Apart from the cases otherwise provided for in this Act, prisoners shall be provided only with such of their own property as they would have been required to have upon admission (Art. 125, para. 2).

3) All items given to prisoners shall be recorded. If misuse is to be feared, the items are to be taken back.

Art. 31

Purchase of commodities

1) Without prejudice to Articles 106(2) and 108(2), prisoners shall be entitled to obtain foodstuffs and luxury foodstuffs approved by the prison governor once a week at their own expense, as well as personal hygiene products and other simple articles of daily use, through the intermediary of the state prison. Intoxicating substances may not be permitted, and personal hygiene products containing alcohol only if there is no fear of misuse.

2) After admission or a change in the place of imprisonment, each prisoner shall be enabled to obtain such commodities for the first time to a reasonable extent, also by using his own money. If the prisoner does not have the necessary funds at his disposal, he shall, upon request, be provided with a

advance payment, which is to be compensated by withholding appropriate partial amounts from the house money.

Art. 32

Treatment of institutional property

Prisoners shall keep the rooms and facilities used by them clean and in order, and shall treat the prison rooms provided to them and the objects with which they have to deal in performing the work assigned to them with care, maintain them as far as necessary, and use them only for the purpose for which they are intended.

Art. 33

Obligation to report

1) Any prisoner who is ill, injured or infested with vermin shall report it immediately.

2) Likewise, any prisoner who perceives something from which a serious danger to the physical safety of people or to the property referred to in Article 32 could arise on a large scale shall be obliged to report it immediately if he can make the report easily and without exposing himself to danger.

Art. 34

Forfeiture of money and objects

1) If money or objects are discovered on a prisoner which have not been properly handed over to him, the money and the objects shall be declared forfeited in favor of the state, unless third persons prove ownership protected according to Art. 512 et seq. of the Property Law and they are not to blame for the occurrence of the forbidden possession. The same procedure shall be followed if money or concealed objects (Art. 444 of the Property Act) or objects are discovered in the area of the state prison which are openly in the possession of third parties.

sibly intended to be received by a prisoner in violation of the provisions of this Act.

2) The decision on the forfeiture is incumbent on the enforcement court (Art. 15 para. 1 let. b).

2. Food, clothing and accommodation Art. 35

Catering

1) The prisoners shall be adequately fed with simple institutional food. The food must be in accordance with nutritional science and tasty; it must be served at the usual times of the day for meals.

2) In the case of meals, consideration shall be given to a more plentiful diet for prisoners performing labor, to deviations from the general diet prescribed by the prison physician for individual prisoners because of their state of health, and to the dietary requirements corresponding to the religious beliefs of the prisoners; If the facilities of the state prison do not permit consideration of these dietary requirements, the prisoners shall be permitted to obtain food from a third party which complies with these requirements, taking into account the nature and extent of the prison diet.

Art. 36

Clothing

1) The prisoner wears his own clothes. He shall take care of their cleaning, maintenance and regular change at his own expense. If he fails to do so, or is unable to do so, he shall be provided with the prison's own clothes, in which case he shall be obliged to wear such clothes.

2) The bedding and towels are to be provided by the state prison.

Art. 37

Accommodation

1) Prisoners shall be housed in simply and appropriately furnished rooms with sufficient air space and daylight. If possible, non-smokers shall not be housed together with smokers in the same room, unless they expressly agree to be housed together. The detention rooms must be well ventilated and appropriately heated during the cold season.

2) The prisoners are entitled to decorate the prison room according to their own ideas, especially with flowers and pictures, as long as this does not affect security and order in the prison.

3) In darkness, the detention rooms shall be illuminated outside the period of night rest in such a way that the prisoners can read and work without endangering their eyesight. Prisoners shall be entitled to use electric lamps that can be switched on and off in the detention room, especially if they only illuminate the individual place of detention, also during the time of night's rest, if and to the extent that

as long as other prisoners are not unreasonably inconvenienced by it and abuse is not to be feared.

Art. 38

Depositories

1) Objects which are taken from the prisoner on admission or which are later received on his behalf but not handed over to him shall be recorded and stored. Objects which require special arrangements or premises for their safekeeping shall be returned. The same shall apply, without prejudice to articles 35, paragraph 2, and 82, paragraph 2, to objects which are subject to spoilage. If the prisoner does not need the objects taken from him at the time of his admission or later received by the prison and stored by it even at the time of his release, and if the term of the sentence exceeds three months, the prisoner shall be requested to designate a person so that the objects can be handed over to that person as soon as possible. If it becomes apparent only after the acceptance of an object that it should have been rejected, the prisoner shall immediately be requested to name a recipient, irrespective of the term of the sentence. In both cases the prisoner shall

that the items will otherwise be sold for his benefit or, if they are unusable, destroyed.

2) Money which the prisoner has with him at the time of admission or which is later received on his behalf shall be credited to him as his own money. If the term of the sentence exceeds three months, foreign money shall be exchanged for domestic money prior to crediting.

3) Prisoners may at any time dispose of the objects held in safe custody and the personal assets, provided that this does not conflict with any existing rights of others, including the right of retention under Article 28 of this Act and Article 115 of the transitional provisions on property law. Deposited egg money amounts up to the amount of that part of an earned income which is not subject to seizure under Article 211 of the Execution Code may be seized only for the purpose of claims for compensation for damage to the property of the institution caused intentionally (Article 29). Upon release, the prisoner's property and money shall be handed over to him, unless otherwise provided for in the foregoing.

4) Deposits which cannot be sold, disposed of or handed over in accordance with the foregoing provisions shall be transferred by the head of the institution to the persons specified in section 268 of the

Criminal Procedure Code to dispose of it in the manner ordered;

§ Section 270 of the Code of Criminal Procedure shall apply mutatis mutandis. Personal documents shall be placed in the personal files. They are not to be surrendered if and as long as facts justify the assumption that the convicted person intends to use the documents to evade prosecution or execution of a sentence pending against him or her in Austria for a judicially punishable act punishable by more than six months' imprisonment.

Art. 39

Hygiene

1) The state prison shall be kept clean.

2) Prisoners shall take care of their bodies as health and cleanliness require. When monitoring personal hygiene, the prisoner's sense of honor and human dignity must be respected. If there is a risk of danger or abuse, haircutting and shaving must take place in the presence of a prison staff member. If, despite instruction, a prisoner refuses to care for his body or have it cared for, so that he arouses disgust or causes harm to himself or others, the prisoner shall be punished.

If a person's health is endangered, he or she shall be subjected to compulsory personal hygiene to the extent necessary to remedy this condition.

3) Prisoners shall be provided with enough hot water daily to enable them to clean themselves thoroughly. In addition, they shall be given the opportunity to take a warm shower or full bath as often as necessary, but at least twice a week.

4) The sanitary facilities must be hygienically equipped and of such a nature that the prisoners can at all times meet their needs in a clean and decent manner.

Art. 40

Outdoor exercise

If the weather permits, prisoners who do not work outdoors shall exercise outdoors daily, and other prisoners shall exercise outdoors for one hour on non-working days. Outdoor exercise shall be extended beyond this if this is possible without interfering with other duties and order in the state prison. During the time set aside for outdoor exercise, sporting activities shall be permitted insofar as this is possible according to the facilities available and the age and state of health of the prisoners.

seems appropriate. In the case of prisoners who, according to the statement of the prison doctor, are unable to participate in outdoor exercise due to their condition, or whose health would be endangered by such participation, outdoor exercise shall not take place, but if their condition so permits, a stay outdoors shall take the place of exercise.

3. Work Art. 41

Duty to work

1) Every prisoner capable of work is obliged to perform work.

2) Prisoners who are required to work shall perform the work assigned to them. They may not be called upon to perform work that endangers the lives of prisoners or poses a risk of serious damage to their health.

Art. 42

Job creation

1) Care must be taken to ensure that every prisoner is able to perform useful work.

2) All work in the operation of the state prison which can be performed by prisoners shall be performed by prisoners. In addition, prisoners shall be employed in other work for the public administration, in community service or in the production of goods for distribution, as well as in work for business enterprises or other private clients.

Art. 43

Consideration of the national economy

1) The prices of the goods produced by the prisoners shall be adjusted to the prices customary for goods of the same kind and quality, and the remuneration to be paid to the prison for the work of prisoners shall be adjusted to the wages customary for work of the same kind and quality.

2) Establishments for the production of goods for distribution or for the performance of work for commercial enterprises shall be set up in the Establishment only to the extent that this is justified from the point of view of national economy.

3) The state prison may contract for prisoner labor for third parties.

Art. 44

Work assignment

1) When assigning work, due consideration shall be given to the state of health, age, knowledge and abilities of the prisoner, the duration of the sentence, the prisoner's behavior during the execution of the sentence and his progress after release, and finally also to his inclinations. The type of employment may only be changed if it is necessary for the economical, economic and expedient management of the state prison.

2) Prisoners who conduct themselves well and from whom abuse of this position is not to be feared shall be assigned to domestic work.

3) Work that allows insight into the personal circumstances of other persons or into personnel, court or administrative files may not be assigned to prisoners.

4) Only prisoners who are not in danger of abusing the relaxation of the sentence associated with outside work may be called upon to work outside the state prison.

Art. 45

Working facilities

1) The working plants are to be set up in accordance with the times.

2) Work involving heavy dust generation may not be performed in dormitories, and other work may only be performed if there is no reason to fear that it will endanger the health of the prisoners.

3) The general regulations on the protection of the life, health and physical safety of employees shall apply mutatis mutandis to the work facilities to be used by prisoners and to the work operations to be performed, unless otherwise provided for in these regulations or in the provisions of this Act.

Art. 46

Working time and work performance

1) The extent of working time and rest periods shall be as close as possible to the usual working conditions in the economy, but as far as agricultural and forestry work is concerned, they shall be as close as possible to the usual working conditions in agriculture and forestry. However, the extent of the maximum working time permitted by law may not be exceeded, without prejudice to the right referred to in Art. 57.

2) Insofar as the nature of the work permits, the head of the institution, taking into account

The work to be performed by a prisoner in one working day shall be determined on the basis of the average performance of a free laborer and the working conditions in the country prison.

3) On Sundays and public holidays, work shall be suspended unless it is necessary for the management of the institution or for other cases.

The prisoner may not be employed at times when the work cannot be postponed due to the needs of the institution or because the nature of the work does not permit any interruption. With the same restriction, prisoners may not be employed at other times for which their religious beliefs require rest from work.

Art. 47

Labor yield and labor compensation

1) The proceeds of the work go to the land.

2) Prisoners who provide satisfactory work performance shall receive work compensation for the work they perform.

3) In the event of unsatisfactory work performance by a prisoner due to malice, wantonness or laziness, the work remuneration shall be reduced or withdrawn after prior admonition to an extent corresponding to the reduction in performance.

Art. 48

Unemployment insurance

1) Prisoners who fulfill their work obligations are insured in accordance with the provisions of the Unemployment Insurance Act.

2) The minimum assessment basis is the remuneration for housekeeping employees according to the standard employment contract.

3) The insurance periods shall be certified in writing by the state prison to the prisoner upon release.

Housing allowance and reserve

Art. 49

a) Principle

1) The remuneration for work shall be credited to the prisoner monthly in arrears, after deduction of the contribution to the costs of execution (Article 28(2), first case, and (3)) and of the share of the unemployment insurance contribution attributable to him, half as house money and half as a reserve. For the assessment of the house allowance the following shall apply

The amount of the remuneration at the time of the credit is decisive. The measurement of the reserve is based

The amount of the remuneration is based on the amount of the remuneration at the time of payment or use.

2) The house money shall be at the disposal of the prisoner, without prejudice to Articles 50, 106(2) and 108(2), for the procurement of material goods and services in accordance with the provisions of this Act. Without prejudice to Article 50, the reserve shall be used to provide for maintenance during the initial period after release.

3) If the prisoner is unable to receive remuneration for work due to no intentional or grossly negligent fault on his part, he shall be credited monthly in arrears with an amount equal to 5% of half the daily rate of remuneration for housekeeping employees in accordance with the standard employment contract.

4) The prisoner shall be given access to the statement of his credit balance at least once every quarter and at the time of release.

5) Upon release, the prisoner shall be paid money credited as house money and reserves. If the prisoner dies, the claims to these sums of money shall become part of his estate.

6) The Execution Code shall regulate the extent to which the entitlement to remuneration for work and the amounts derived therefrom may be transferred, attached or pledged. Par. 2 and Articles 50 and 107 shall remain unaffected.

Art. 50

b) Use for special purposes

1) The house money and half of the reserve shall also be available to the prisoner for payments to dependent relatives or to persons whose rights have been violated by the criminal act, as well as for the repayment of debts.

2) Prisoners shall be informed of the possible uses of the house money and the reserve fund in accordance with paragraph 1 and shall be instructed and assisted in their sensible use in accordance with the existing facilities.

3) Apart from the cases mentioned in paragraph 1 and Article 49, paragraph 2, the prisoners may also use the house money and the reserve fund for purchases which will help them to get on after their release. The head of the prison shall be entitled to decide on this.

Art. 51

Cash reward

A monetary reward may be credited to a prisoner who demonstrates special personal dedication or makes suggestions.

4. Educational care and occupation of the prisoner during free time Art. 52

ErzieherischeBetreuung

1) In the implementation of all measures of the penal system, an educational influence on the prisoners shall be aimed at. In addition, prisoners shall be given special educational support in individual and group discussions and in other suitable ways.

2) Prisoners for whom this appears expedient in order to achieve the educational purpose of the custodial sentence (Article 19(1)) shall also be provided with psychotherapeutic care and their mental health shall be promoted, provided that this does not contradict the principles of economical, economic and expedient administration.

Art. 53

Teaching and training

1) Provision shall be made for prisoners who lack the knowledge and skills which elementary school are responsible for imparting to receive the necessary instruction, provided that this does not conflict with economical, efficient and expedient administration. Under the same conditions, regular courses of further education shall be held in the institutions for suitable prisoners.

2) Prisoners may participate in distance learning courses. They may also use funds for this purpose which are otherwise not available to them in the penal system. In the event of misuse, further participation in the course shall be prohibited.

3) Classes and activities associated with participation in distance learning courses shall be conducted during non-working hours.

Art. 54

Employment of prisoners in their free time

1) Prisoners shall be encouraged to spend their free time in a meaningful way and, if necessary, instructed to do so. To this end, they shall in particular be given the opportunity to read, to participate in the reception of radio broadcasts, to

(radio and television), to sports activities or, without prejudice to Art. 26 par. 2, to social games.

2) Insofar as it is possible, taking into account the conditions of the institution, without impairing service and security and order, prisoners shall be entitled to obtain their own books and periodicals (Article 56), to work in their free time (Article 57), to keep written records (Article 58), and to draw and paint (Article 59).

Art. 55

Prisoner Library

A library shall be established in the state prison from which prisoners may borrow books.

Art. 56

Own books and magazines

1) Prisoners may procure books and subscribe to newspapers or magazines at their own expense for the purpose of further education or entertainment, provided that there is no danger to security and order in the prison or to the educational purpose of the sentence. Prisoners may also use funds which are not otherwise available to them for the procurement of services in the penal system for the procurement of books which serve their further education.

2) Newspapers and periodicals are to be obtained exclusively through the agency of the Establishment. The prison shall withhold individual issues or parts thereof which may pose a danger of the kind described in paragraph 1, or shall make them unrecognizable in a manner consistent with the principle of economic efficiency. Newspapers handed out to prisoners shall be kept for at least one week and then taken back; on being taken back, they shall become the property of the Land.

Art. 57

Work in free time

Prisoners may perform work of the kind specified in the second sentence of Article 42(2) for the account of the state (Article 47) or work for charitable purposes during their free time. They may also make objects for personal use for themselves and their relatives. Work which would endanger security and order in the prison or cause inconvenience to fellow inmates shall be prohibited.

Art. 58

Written records

Prisoners may keep personal records during their free time. If misuse is to be feared on the basis of certain facts, the prison warden or a prison employee specially commissioned by him may inspect these records; if such fear is confirmed, the records shall be taken from the prisoner. In this case, they shall be placed in the personal files and handed over to the prisoner upon his release, unless there is reason to fear that the released prisoner will make use of them for the purpose of committing a judicially punishable act.

Art. 59

Drawing and painting

Prisoners shall be entitled to draw, paint or otherwise engage in artistic activities to a reasonable extent during their free time.

Art. 60

Common provisions

1) The objects necessary for the exercise of the rights referred to in Articles 58 and 59 shall be procured by the state prison at the expense of the prisoner. Prisoners may also use funds for this purpose which are not otherwise available to them for the procurement of services in the penal system.

2) The records and the products of the prisoner's artistic activity shall be left with him at his request, unless there is reason to fear misuse on the basis of certain facts.

or the order in the detention room suffers. In all other respects they shall be treated as custody, without prejudice to the last sentence of Article 58. Insofar as they relate directly to a criminal act committed by the prisoner, their utterance during detention shall require the approval of the government.

3) Paragraphs 1 and 2 shall apply mutatis mutandis to objects made by the prisoner for himself or his dependents in exercise of the right referred to in Article 57.

Art. 61

ForeignLanguagePrisoners

In the educational care and employment of prisoners, especially in the furnishing of the library, the procurement of books and periodicals, and in the holding of further education and language courses and events, the needs of prisoners whose native language is not German shall also be taken into account wherever possible.

5. Medical care Art. 62

Health Care

1) Care shall be taken to maintain the physical and mental health of prisoners. The state of health of the prisoners and their body weight shall be monitored.

2) Prisoners affected by contagious diseases and infested with vermin shall be segregated. Objects used by them shall be disinfected or disinsected; if this is not possible or not feasible, these objects shall be destroyed, regardless of to whom they belong. Rooms in which such prisoners have stayed or which are infested with vermin shall be disinfected or destroyed.

Art. 63

Inadmissibility of medical experiments

The performance of a medical experiment on a prisoner is inadmissible even if the prisoner gives his consent.

Art. 64

Health and accident insurance

The government shall take out the necessary collective and individual insurance policies to protect prisoners against the consequences of illness and accidents.

Art. 65

Illness of prisoners

1) If a prisoner reports sick, if he has suffered an accident or been injured in any other way, if he has attempted suicide or harmed himself, or if his appearance or behavior otherwise suggests that he is physically or mentally ill, the prison physician shall be notified thereof.

2) In such cases, the prison physician shall examine the prisoner and ensure that he or she receives the necessary medical and, if necessary, specialist treatment.

treatment and care. He shall also determine whether the prisoner is ill, whether he is bedridden, where he is to be accommodated and whether and to what extent he is able to work.

Art. 66

Weaning treatment of a prisoner

1) A criminal inmate shall undergo weaning treatment if:

a) according to the statement of the prison physician, the prisoner is addicted to the abuse of an intoxicating agent or narcotic and the treatment is appropriate in view of the duration of the sentence; or

b) the term of the sentence exceeds two years and for this reason only, the person was not committed to an institution for weaned criminals (Section 22 of the Criminal Code).

2) The initiation or continuation of weaning treatment must be discontinued if the attempt at such treatment appears futile from the outset or if its continuation would not promise success.

Art. 67

Forced examination, forced treatment and forced feeding

1) If, despite instruction, a prisoner refuses to cooperate in a medical examination or treatment that is absolutely necessary under the circumstances of the case, he shall be subjected to these measures by force, unless this involves danger to his life and is otherwise reasonable for him. An unreasonable examination or medical treatment is equivalent to any intervention which, according to its external characteristics, would be judged as serious bodily injury (Section 84 (1) of the Criminal Code). Unless there is imminent danger, the government's approval must be obtained before any compulsory examination or treatment is ordered.

2) If a prisoner persistently refuses to take food, he shall be observed by a physician. As soon as it is necessary, he shall be force-fed according to the doctor's order and under his supervision.

Art. 68

Involvement of another doctor

If the prison physician cannot be reached, another physician shall be summoned in urgent cases. Another physician shall also be called in if the prison physician is

considers this to be expedient in view of the nature and severity of the case or if the prisoner requests it in the event of a suspected serious illness and assumes the costs for it; the prisoner may also use funds which are otherwise not available to him for the procurement of services in the penal system to meet these costs. The prison physician shall be informed of the involvement of another physician.

Art. 69

Transfer to another institution

1) If a sick or injured prisoner cannot be properly treated in the state prison or if he poses an otherwise unavoidable threat to the health of others, he shall be transferred to a suitable institution which has facilities to ensure the necessary treatment or segregation.

2) If the prisoner cannot be treated properly in another institution or if his life would be endangered by being transferred there, he shall be taken to a suitable hospital and, if necessary, guarded there. The Liechtenstein National Hospital shall be obliged to admit the prisoner and to allow him to be guarded.

3) In the event of transfer to a psychiatric hospital, the provisions of the Social Assistance Act also apply.

Art. 70

Comprehensions

1) Any illness or injury of a prisoner involving danger to life or requiring even limited notification or reporting, and any suspicion of such illness or injury, shall be reported to the warden.

2) If a prisoner is unable to inform his relatives that he is critically ill or injured, the head of the prison shall be responsible for notifying them. The person to be notified shall be the person designated by the prisoner; however, if the prisoner has not designated a specific person, then the next of the following persons whose whereabouts are known shall be notified: the spouse or registered partner of the prisoner, his eldest child of full age, his father, his mother or the next of his other relatives of full age (Section 72 of the Criminal Code), but the oldest of those who are equally close. A person who is not in the country shall be notified only if none of the persons to be considered is in the country. At the request of the prisoner, the head of the prison shall also inform other persons.

Notify persons.

3) The provision of paragraph 2 shall apply mutatis mutandis to the case of the death of a prisoner.

Art. 71

Dental treatment and dentures

1) The prisoner shall be provided with the necessary dental treatment. Conservative dental treatment shall be provided in a simple form, unless the prisoner requests special treatment at his own expense.

2) In principle, dental prostheses shall be provided only at the expense of the prisoner. However, if the prisoner does not have the appropriate means (Para. 3), the costs of the dental prosthesis shall be borne by the state if its manufacture or reworking cannot be postponed until release without endangering the prisoner's health.

3) In order to meet the costs which the prisoner may incur under the above paragraphs, he may also use funds which are not otherwise available to him for the procurement of services in the penal system.

Art. 72

Transfer of claims for damages

If, as a result of an event which caused the illness or injury of a prisoner, the Land has provided services or borne costs under the provisions of this subsection and if the prisoner is entitled to damages from a third party as a result of the event, such claims shall be transferred to the Land up to the amount of the expenses incurred by the Land.

Art. 73

Pregnancy

1) The provisions of this Act concerning the care of sick or injured prisoners shall apply mutatis mutandis to the care of pregnant prisoners or prisoners who have recently given birth. Pregnant women shall be taken to a suitable hospital for delivery. The provisions of the Labor Code shall apply mutatis mutandis to the admissibility of being called to work.

2) Female prisoners who have the right to care for and bring up their children may do so until they reach the age of two.

The head of the institution may keep the child with him or her for the duration of the year, unless this would be detrimental to the child. Subject to the same restrictions, the head of the institution may, insofar as

the necessary facilities are available, also permit the prisoners to keep these children with them until they reach the age of three at the latest if, at the time of completion of the second year of life, only a further sentence of not more than one year remains to be served.

3) As long as a prisoner keeps her child with her, the state prison shall also provide for the maintenance of the child. The costs of this shall be borne by the Land.

6. Social care Art. 74

Social care

1) Prisoners shall be instructed to maintain relationships with their relatives insofar as this is possible without interfering with the orderly operation of the prison and insofar as it is to be expected that this will have a favorable influence on the prisoners, promote their later advancement or otherwise be of benefit to them.

2) Prisoners shall also be instructed to make provisions for the care of their property. At their request, their efforts in this regard shall be supported in word and deed in cooperation with the Office for Social Services and, if necessary, other competent authorities and the probation service.

3) Prisoners shall be informed of the possibilities and advantages of voluntary continued and increased social insurance. In order to pay social insurance contributions, prisoners may also use funds that would otherwise not be available to them for obtaining prison benefits.

4) Prisoners shall also be instructed, if necessary, to take precautions to ensure that accommodation and work are available to them after their release. At their request, their efforts to this end shall be supported in word and deed in cooperation with the authorities responsible for vocational guidance and job placement as well as the probation service.

7. Pastoral care

Art. 75

1) Every prisoner shall have the right to participate in communal worship and other communal religious events in the state prison and to receive means of salvation and the encouragement of a chaplain appointed or licensed for the state prison. The prison governor may, for reasons

security and order, after consultation with the chaplain, exclude prisoners from participation in religious services and other events.

2) A prisoner shall also be permitted, upon his earnest request, to receive in the state prison the consolation of a chaplain of his own confession who has not been appointed or licensed for the state prison. The head of the prison shall be entitled to decide on this.

3) If a chaplain has neither been appointed nor permitted in the state prison for a particular confession, the prisoner shall, if possible, be given the name of a chaplain to whom he may turn at his request. The pastor shall be permitted to visit the prisoner for the purpose of providing pastoral care.

4) Prisoners shall be permitted to receive visits from a chaplain outside visiting hours (Article 85(1)) during official hours. The content of the conversations between the prisoner and the chaplain shall not be monitored. In all other respects, Articles 85 and 86 shall apply mutatis mutandis to such visits.

8. Communication with the outside world Art. 76

Common provisions for correspondence, telephone calls and visits

1) Prisoners may communicate with other persons and bodies in writing and make telephone calls and receive visits in accordance with the provisions of this Act. Articles 96(3), 106(2) and 108(2) remain unaffected.

2) However, correspondence, telephone calls and visits are to be prohibited if they pose a threat to the security and order in the

or an unfavorable influence on the prisoner is to be feared. Art. 87 remains unaffected.

Art. 77

Correspondence

1) Unless otherwise provided by this Act, prisoners shall be entitled to send and receive letters and cards without restrictions and subject to the secrecy of correspondence. If such letters are received on behalf of a prisoner, they may be handed over to him only by the prison warden or by a prison official designated by him for this purpose.

2) If the extraordinary volume of a prisoner's correspondence interferes with supervision (Art. 79), the director of the institution shall notify those

order such restrictions as are necessary for proper supervision. Such an order may not relate to the correspondence of a prisoner on personal matters of particular importance, on important legal or business matters and on serious questions of the prisoner's subsequent progress.

3) Letters must be legible, understandable, generally in German and written in full script. If the prisoner is not sufficiently proficient in German, the use of a foreign language shall be permissible; this shall also apply if the recipient of the letter is not sufficiently proficient in German, provided there are no reservations.

4) Letters handed over to prisoners shall be left with them for one week, then taken back and either destroyed or kept for them, as requested by the prisoner. At the request of the prisoner, letters may also be left with him, provided there is no fear of misuse and order in the prison is not impaired.

Art. 78

Writing

1) In general, prisoners may write letters only during their free time. In urgent cases, however, prisoners shall also be permitted to write during working hours.

2) Prisoners shall be provided with the necessary writing materials for their letters and petitions and, to the extent that they do not have such materials, even with the use of funds not otherwise available to them for the procurement of services in the penal system, with an appropriate amount of stationery.

3) Prisoners who cannot read and write shall be assisted by a correctional officer.

Art. 79

Monitoring of correspondence

1) Letters written by prisoners shall be monitored before they are sent, and letters received by prisoners shall generally be monitored before they are handed over, only to the extent that this is necessary in order to retain any unauthorized consignments of money and other objects contained therein. In addition, they shall be read by the prison warden or by a prison officer designated by him for this purpose on a random basis and otherwise to the extent that this is necessary with regard to the psychiatric or psychological care of the prisoner or the prisoner's family.

is required because there is a suspicion that a letter will have to be withheld under Art. 80.

2) If a letter from a prisoner is read, care shall be taken that the contents are not made known to other persons, unless the letter is to be withheld pursuant to Article 80 or unless knowledge by other persons is necessary for the psychiatric or psychological care of the prisoner. Before a letter or petition is read, a translation shall be made if necessary.

Art. 80

Withholding letters

1) If, in accordance with the provisions of this Act, letters may not be sent or delivered, or if for other reasons they are contrary to the purposes of the penal system, or if they constitute a judicially punishable act, or if they serve to prepare such an act, they shall be withheld.

2) If a letter is withheld, the prisoner shall be informed of this immediately, and in the case of a letter addressed to one of the persons referred to in Art. 81

paragraphs 4 to 6 or of a letter from one of these persons or bodies also to the person or body. The notification may be omitted as long as it would impair the purpose of the detention or if, except in the cases referred to in Art. 81 par. 1, the letter was to be conveyed in a manner that would have made it exempt from supervision under Art. 79 par. 1. Parts of a letter detained on account of its contents which have been received on behalf of a prisoner shall be disclosed or handed over to him.

3) The withheld letters shall be placed in the personal files and handed over to the prisoner upon his release, unless there is reason to fear that the released person will make use of them for the purpose of committing a judicially punishable act.

Art. 81

Correspondence with public authorities, legal advisors and guardianship offices

1) Letters addressed by a prisoner to public authorities (para. 4), legal advisers (para. 5), or care institutions (para. 6), with the correct indication of the sender, may be placed in a sealed envelope for dispatch.

2) If such letters are addressed to public bodies (para. 4), they may only be

be opened in the case of a reasonable and not otherwise verifiable suspicion of an unauthorized consignment of money or objects and only in the presence of the prisoner.

3) If such letters are addressed to legal advisers (subsection 5) or care offices (subsection 6) or if they are letters from these persons and offices or from public offices (subsection 4) to a prisoner, they may be opened only in the prisoner's presence and only:

a) for the reason set forth in paragraph 2; or

b) in the event of a reasonable suspicion that

1. an incorrect sender is indicated on the letter,

2. the content of the letter poses a threat to the security of the institution, or

3. the content of the letter constitutes a judicially punishable act or serves the preparation of such an act.

Such letters may be read only in the cases specified in subparagraphs (b)(2) and (3); if the suspicion is confirmed, the letters must be withheld.

4) Public bodies are considered to be:

a) the sovereign, the government, the Diet, courts and other authorities as well as members of any of these bodies;

b) the European Court of Human Rights and the Committee established under the European Convention for the Prevention of Torture;

c) the International Courts (Article 1 of the Law on Cooperation with the International Criminal Court and other International Courts) and the International Criminal Court;

d) in the case of foreign prisoners, also the consular representation of their home country.

5) Legal advisors are lawyers, legal agents and defense attorneys.

6) The following are considered to be caregivers:

a) the probation officer of the prisoner and associations entrusted with tasks of probation assistance;

b) generally recognized associations and institutions dealing with the counseling and support of prisoners' relatives and with the care of released prisoners.

Art. 82

Parcel and money shipments and money orders

1) Parcels received on behalf of a prisoner shall be opened in his presence. The objects contained therein shall be handed over to the prisoner if he is permitted to possess them in accordance with the provisions of this Act. Otherwise, they shall be handled in accordance with the provisions of Article 38.

2) Once a month, prisoners may receive one consignment of foodstuffs and luxury foodstuffs weighing up to five kilograms or several consignments weighing up to five kilograms in total. The consignments may not include tin con- servatives, medicines and remedies, intoxicating substances and foodstuffs and luxury foodstuffs that cannot be consumed without further preparation, and coffee or coffee extract and tobacco products only up to a total weight of 250 g each.

contain. These items can also be opened and checked in the absence of the prisoners.

3) If, on the basis of certain facts, there is a danger that parcels will be misused to deliver narcotics or other items to prisoners which could pose a risk to the health of the prisoners or otherwise to security and order in the prison, and if it is not possible to separate out such items without unreasonable expense, the prison governor shall exclude the prisoners concerned from receiving parcels pursuant to paragraph 2. Insofar as the danger cannot be effectively countered by excluding individual prisoners, the prison governor may, with the approval of the Government, order that all prisoners of the state prison be excluded from receiving consignments in accordance with paragraph 2 for a specific period not exceeding six months. To the extent that it appears reasonable in individual cases, however, the prison governor may permit exceptions to such an order.

4) Money orders shall be handled in accordance with the provisions of Article 38.

Art. 83

Postal charges

1) Mail items of prisoners may only be sent if the transportation fee has been paid. The postal charges shall be borne by the prisoners.

2) Incoming mail that is subject to a fee shall only be accepted if the prisoner pays the fee.

3) In order to pay the postal charges, prisoners may also use funds which are not otherwise available to them for the provision of services in the penal system. If a prisoner is unable to pay the fees through no fault of his own, they shall be borne by the state.

Visits

Art. 84

a) Principle

1) Prisoners may receive visits within the fixed visiting hours as often and to the extent that their execution can be ensured with reasonable effort. They may not be prevented from receiving at least one visit of at least half an hour's duration each week; at least once within six weeks, the duration of the visit shall be extended to at least one hour. If a prisoner is visited infrequently or if a visitor has a long journey to make, the duration of the visit shall be extended appropriately.

2) In order to settle important personal, economic or legal matters which cannot be settled in writing or postponed until release, and in order to maintain family and other personal ties, prisoners shall be given the opportunity to receive visits in suitable premises with an appropriate frequency and duration, if necessary also outside visiting hours. Supervision of such visits may be dispensed with, provided there are no reservations.

3) Visitors who are under 14 years of age must be accompanied by an adult. More than three visitors

cher shall not be admitted to visit a prisoner at the same time.

Art. 85

b) SpecialVisitRules

1) Except in the cases provided for in Article 84, paragraph 2, visits shall be permitted only during visiting hours. These shall be set by the prison governor for at least four days of the week, at least once of which shall be in the evening or at the weekend; consideration shall be given to visitors who are employed or who have to travel a long distance. Visits shall take place in the designated visiting rooms or, if the weather permits, within designated parts of the prison area.

to take place outdoors. Insofar as abuse is not to be feared, the prison governor may, in particular in the case of visits by relatives, authorize the omission of supervision of the conversation or other relaxation of the visiting arrangements. In the case of prisoners who are bedridden or segregated because of their illness, the prison governor shall, after consulting the prison physician, permit visits to the sickroom, unless there is reason to fear that such visits would endanger security and order in the prison or the health of the prisoner, the visitor or third persons.

2) Visitors must identify themselves if they are not known. They are to be instructed in short and simple words on how to behave during the visit.

3) Visitors shall behave in such a way that the purposes of the penal system are not jeopardized and decency is not violated. Visitors and prisoners are not allowed to hand over objects to each other.

4) Unless the provisions of this Act require that the content of the conversation between the prisoner and the visitor not be monitored, the conversation shall be intelligible, in German and otherwise in such a way that it can be easily monitored. If a prisoner is not sufficiently proficient in German, the use of a foreign language shall be permissible; this shall also apply, insofar as there are no reservations, if the visitor is not sufficiently proficient in German.

Art. 86

c) Monitoring

The visits shall be carefully monitored. Unless otherwise provided for in this Act, supervision may also extend to the content of the conversation between the prisoner and the visitor, but shall be limited to spot checks. If necessary, a prison officer with foreign language skills or an interpreter shall be called in. However, the use of an interpreter shall be dispensed with if the costs involved would be inconsistent with the principle of economical administration in view of the fact that there is no danger to the security and order of the prison from the conversation. If the prisoners or visitors violate the provisions of Art. 85, paras. 3 and 4, they shall be warned in minor cases. In the event of repeated or serious violations, the visit shall be terminated without prejudice to the admissibility of criminal or administrative prosecution.

Art. 87

d) Visits by representatives of public authorities and of care agencies, as well as by legal advisors

1) Visits of representatives of public authorities and of guardianship offices as well as visits of legal advisors (Art. 81 par. 4 to 6) shall also be permitted outside the time intervals specified in Art. 84 par. 1 during office hours.

2) The content of the conversations held between the prisoners and the visitors referred to in paragraph 1 shall not be monitored. A review of the content of the documents and other records carried by these visitors is only permissible in the cases of Art. 81 par. 3 letter b nos. 2 and 3.

Art. 88

Phone calls

For reasons worthy of consideration, prisoners shall be allowed to make telephone calls, in particular with relatives, counselors and social institutions, as well as with public authorities, legal advisors and care agencies (Article 81 paras. 4 to 6). The content of the telephone conversations between the prisoners and the persons mentioned in Article 81 paras. 4 to 6

The content of calls made to and from other offices is not to be monitored; in other respects, monitoring of the content of calls may be dispensed with if there are no objections. If the content of the call is monitored, Art. 85 paras. 3 and 4 and Art. 86 shall apply mutatis mutandis. Art. 83 shall apply mutatis mutandis to the payment of costs.

Art. 89

Interrogations

At the request of authorities or the state police, their organs shall be given the opportunity to interrogate a prisoner in the state prison in the presence of a prison officer.

Art. 90

Executions and transfers

1) A prisoner may be exported if a domestic authority or the state police so requests or if there is cause to do so for enforcement or other administrative reasons.

2) Execution requested by the prisoner shall be permitted up to a maximum of twenty-four hours, provided that it is necessary to deal with particularly important and urgent matters of a personal, economic or social nature.

the presence of the prisoner in a place outside the institution is urgently required for legal reasons, and the execution is unobjectionable according to the nature of the prisoner, his past life and his performance during the detention and possible without impairing the service and order in the institution. The prisoner shall bear the costs arising from such execution. In order to cover these costs, the prisoner may also use funds which are otherwise not available to him for the provision of services in the penal system. In the absence of such funds, the costs shall be borne by the state in cases worthy of consideration.

3) Before and after each execution or transfer, the prisoner shall be searched.

Art. 91

Interruption of the term of imprisonment

1) If a prisoner, according to the nature and motive of the criminal act for which he has been convicted, as well as according to his lifestyle before the detention and his performance during it, is not particularly dangerous to the security of the state, nor to that of the person or property, he shall, upon his request, be granted a break in the term of imprisonment of a maximum of eight days if:

a) the sentence period expected to be served does not exceed three years and the prisoner needs the interruption in order to

1. to visit a relative or other person particularly close to him or her who is critically ill or injured,

2. Attend the funeral of any of these persons, or

3. to arrange important family matters in connection with one of the occasions listed in items 1 and 2 or with the divorce or dissolution of a civil partnership of a relative or personal matters that cannot be postponed;

b) the period of sentence still to be served does not exceed one year and the interruption appears necessary for the business operations in which the prisoner was engaged.

2) The interruption may only be granted if the prisoner's accommodation and subsistence are ensured for the duration of the interruption. The state police shall be notified of the granting of a break.

3) The suspension shall be revoked if the convicted person attempts to evade further execution of the sentence, if there are reasonable grounds for fearing that he will attempt to do so, or if there is a strong suspicion that he has committed or will commit a judicially punishable act again.

4) The sentenced person shall resume the sentence at the latest at the end of the period for which the interruption has been granted. If he fails to comply with this obligation, the prison governor shall arrange for him to be brought before the court.

5) Insofar as this is necessary according to the person of the prisoner and his or her development in order to ensure compliance with the provisions of para. 2 sent.

1, Para. 3 and 4, the interruption shall only be permitted subject to conditions and requirements.

6) The time of the interruption shall be included in the term of the sentence. However, if the interruption is revoked or if the convicted person does not resume the sentence in due time, the time spent outside the penal custody shall not be included in the penalty period.

7) The decision on the interruption of the custodial sentence, on the revocation and on the non-inclusion of the time spent outside the custodial sentence in the term of the sentence is incumbent on the execution court (Art. 15 para. 1 let. c). If the interruption is revoked, the court must at the same time order that the person be brought forward immediately.

Art. 92

Output

1) A prisoner who is not particularly dangerous within the meaning of article 91, paragraph 1, shall be permitted, at his request, to leave the prison for a maximum of twelve hours a day not more than twice a quarter, provided that the term of the sentence to be served does not exceed three years, that an interruption (article 91) has previously been granted and that the prisoner requires the leave for one of the purposes specified in article 84, paragraph 2. Insofar as it appears necessary in view of the purpose of the leave, taking into account any travel movements, the duration of the absence may be up to 48 hours.

2) Art. 91 paras. 2 to 4 and 6 shall apply mutatis mutandis.

3) The decision on the exit and on the revocation shall be made by the head of the institution, who shall apply Art. 91 par. 5 mutatis mutandis.

4) The decision on non-inclusion of the time of exit or time spent outside the sentence in the penalty period (Art. 91 par.

6) shall be at the discretion of the enforcement court (Art. 15 para. 1 let. d).

Art. 93

Marriage or registration of a partnership

1) If a prisoner wishes to marry or enter into a partnership, he shall be given the opportunity to do so in the state prison, without prejudice to the provisions of Articles 90 and 91.

2) Paragraph 1 also applies if a prisoner wishes to obtain a marriage ceremony before the pastor of a legally recognized church or religious community.

9. Supervision Art. 94

Securing the closure

1) In addition to the cases specifically provided for in this Act, the isolation of prisoners from the outside world shall be ensured.

2) Persons who are not employed in the prison may enter it only with the permission of the prison director, except in cases specifically provided for in this Act. Permission may be granted only if the visit is compatible with the purposes of the penal system. Visitors who are not known must identify themselves. However, this requirement may be waived if the purpose of the visit is to inspect the prison and the visitor is accompanied by a known person or by a person who can identify himself.

3) Visitors must hand over any objects that might pose a threat to the security and order of the penal system. This also applies to weapons which the visitor is obliged to carry because of his public service. Photo and sound recording devices must be surrendered unless the prison warden has exceptionally granted written permission for the use of such devices in the prison area. Such permission may only be granted if the use of the equipment is compatible with the purposes of the penal system and if the person of the visitor and the agreements made with him or her ensure that no use is made of the photographs and sound recordings that would be likely to harm the penal system or the legal interests of the prisoners.

4) The correctional officers are authorized to search persons not employed in the prison in the prison area, provided that in the justified

are suspected of committing an offense under Article 155 or if it can be assumed on the basis of certain facts that they are carrying an object that would otherwise pose a threat to the security and order of the penal system. In addition, vehicles, bags and

search other containers brought into or out of the prison area, at least on a random basis.

5) The use of direct coercion to enforce a search pursuant to subsection 4 shall only be permissible if a threat to the security and order of the penal system cannot be averted by other means. Searches of persons shall be conducted by officers of the sex of the person to be searched and as gently as possible. The prison staff shall limit themselves to a search of the clothing and an inspection of the body, unless it can be assumed on the basis of certain facts that the person to be searched has hidden an object in his body; in such cases a doctor shall be entrusted with the search.

Art. 95

Ensuring order in the institution

1) It shall be ensured that prisoners behave in the manner prescribed by this Act and the regulations and orders based thereon, either generally or in individual cases. In particular, adequate precautions shall be taken to prevent both the commission of criminal acts by prisoners and the commission of criminal acts against prisoners.

2) Prisoners shall also be observed or visited unsuspected in the rooms assigned to them for their stay during their free time and rest periods. For this purpose, these rooms may also be temporarily illuminated during the night's rest. The prisoners, their belongings and the rooms used by them shall be searched from time to time. Searches shall be conducted as gently as possible, and personal searches shall be conducted by staff of the same sex as the prisoner. Article 94(5), last sentence, shall apply mutatis mutandis. The physical search associated with an uncovering shall be conducted in the presence of two staff members of the sex of the prisoner and in the absence of fellow prisoners and persons of the opposite sex.

3) Institution keys, weapons, ammunition, and other security devices, as well as service clothing that is not issued or used, shall be kept under secure lock and key.

4) Work equipment, materials, and other items that may pose a threat to safety shall be kept in a safe place and may only be given to prisoners under supervision and for no longer than necessary.

5) The loss of any of the items referred to in paragraphs 3 and 4 shall be reported immediately.

Art. 95a

Determination of the consumption of intoxicating substances or narcotics

In order to ensure order in the prison, the prison governor or specially authorized prison staff shall be authorized to subject a prisoner to appropriate measures to determine the consumption of intoxicants or narcotics on a random basis or in the event of suspicion. These measures shall be carried out with respect for the prisoner's sense of honor and human dignity and shall not involve any physical intervention.

Art. 95b

Video surveillance

1) In order to secure the isolation of prisoners from the outside world and to ensure order in the institution, in particular to prevent and avert the commission of criminal acts by prisoners and the commission of criminal acts against prisoners, and in the event of a serious and grave threat to the life or health of a prisoner, the head of the institution shall be authorized to use technical means for real-time image transmission in the institution and at its external borders (real-time monitoring).

2) The acquisition of personal data of prisoners with technical means for image recording is only permissible for the reasons stated in para. 1 and, moreover, only in the entrance area, in the visitor and interrogation zones, the corridors in the lock-up, the locations used for the employment and stay of prisoners outside the detention rooms, and in comparable areas as well as at the outer borders of the prison. The personal data obtained in this way may also be used for the prosecution of a judicially punishable act or an administrative offense.

3) Video surveillance shall not be permitted for purposes other than those specified in the preceding paragraphs, in particular for monitoring the performance of prison staff. In ordinary detention rooms, communal sanitary rooms and rooms used exclusively for the residence

The use of video surveillance is not permitted in areas reserved for law enforcement officers.

4) In the case of any video surveillance, in particular the use of technical means for image recording, care must be taken to ensure that encroachments on the privacy of the persons concerned are proportionate to the occasion. In the case of surveillance of the external borders of the institution, care must be taken to ensure that the area monitored in public space is kept as small as possible.

5) The fact of video surveillance must be made recognizable by suitable measures. This marking must be carried out outside the institution in such a way that anyone potentially affected who wishes to pass a monitored object has the opportunity to avoid the video surveillance as far as possible.

6) Recorded data must be deleted at the latest after 72 hours, calculated from the time of the initial recording, unless it is required for the further prosecution of a legally punishable act or an administrative offense.

7) Each use of video surveillance must be logged. This does not apply to cases of real-time monitoring.

Art. 96

SpecialSafetyMeasures

1) The necessary special security measures shall be ordered against prisoners who pose a risk of escape, a risk of violence against persons or property, or a risk of suicide or self-harm, or who otherwise pose a considerable threat to security or order.

2) Only the following shall be considered as special security measures involving additional restriction of the life of the prisoner:

a) more frequent searches of the prisoner, his belongings and his detention space;

b) Placing a prisoner who is held in confinement in a solitary confinement room for the remainder of the time, either during daily work or during daily free time of at least two hours;

c) the lighting of the detention room at night;

d) the seizure of furnishings or articles of daily use or clothing that are likely to be misused;

e) placement in a specially secured cell from which all objects with which the prisoner can cause harm are removed;

f) the application of restraints or a straitjacket or restraint in a fixation bed.

3) Prisoners in respect of whom measures are ordered in accordance with subsections 2(e) and (f) shall be excluded from the right to receive visitors and to make telephone calls for the duration of the measures. However, without prejudice to special supervision by prison staff, they shall be visited by a doctor as soon as possible, at the latest within 24 hours, who shall in particular examine whether a transfer in accordance with Article 69 is indicated. Subsequently, such prisoners shall be visited daily by the prison physician. If it appears feasible, a psychiatrist or psychologist shall be consulted.

4) Only prisoners whose danger to themselves, other persons or property does not allow them to be accommodated in another cell may be accommodated in the specially secured cell. The specially secured cell must have sufficient air supply and daylight. If there are no objections, a mattress and a spoon for taking meals shall be provided to a person accommodated in the specially secured cell.

5) Shackles may only be applied to a prisoner, except during executions and transfers, if he is threatening, preparing or has attempted violence against persons or property, suicide or escape, if there is a serious risk of repetition or execution, and if other security measures are not possible or sufficient under the circumstances. The shackles shall be applied to the hands, but if the purpose of the shackles cannot otherwise be achieved, they shall also be applied to the feet.

6) Special security measures shall be maintained to the extent and for as long as strictly required by the extent and continuance of the hazard that gave rise to their order.

7) The ordering of special security measures shall be the responsibility of the prison officer in charge of supervision. The latter shall report any such order to the prison governor without delay. The prison governor shall immediately report on the maintenance of the special security measures.

decision on the measure. The maintenance of a measure pursuant to subsection 2(e) for more than one week or of a measure pursuant to subsection 2(f) for longer than 48 hours

can only be ordered by the prison court, which must decide on this at the request of the head of the prison (Art. 15 (1) (e) and (f)). If the prison court orders the maintenance of the measure, it must at the same time determine its maximum permissible duration; if the reasons for ordering such a measure cease to exist before the expiry of this period, the prison governor must immediately revoke the measure (para. 6).

Art. 97

Immediate coercion

1) Correctional officers may use direct force only:

a) in case of self-defense (§ 3 of the Criminal Code);

b) to overcome a resistance to state authority or an assault on a public official (Sections 269 and 270 of the Criminal Code);

c) to prevent the escape of a prisoner or to recapture him;

d) towards a person who enters or tries to enter the institution or tries to free a prisoner;

e) to overcome any other failure to comply with an order endangering the security and order of the penitentiary system.

2) The use of force must be limited to the extent necessary. It may only be used after prior threat, unless this would jeopardize the purpose of the use of force.

Art. 98

Armament and use of weapons

1) Prison officers who execute or transfer prisoners or who are responsible for ensuring the security and order in the prison (Articles 90, 94 and 95) may carry weapons in the course of their duties, provided this is deemed necessary to maintain security and order in the prison.

2) Weapons in the sense of paragraph 1 are in particular rubber truncheons, police batons and irritant sprays.

3) Prison officers may use their weapons only in the cases referred to in Article 97(1)(a) to (d), within the limits of proportionality.

4) Correctional officers may also call in state police officers to assist; the use of direct force and the use of

of firearms by them is governed by the Police Act.

Art. 99

ExpulsionInvolved

Prison officers and state police officers who are responsible for executing or transferring prisoners or for guarding them outside the prison are authorized to remove bystanders from the immediate vicinity of a prisoner if this is necessary to protect the prisoner or to prevent the obstruction of an official act.

Art. 100

Escape

1) A prisoner who escapes shall, insofar as this can be done without neglecting the supervision of other prisoners, be immediately and vigorously pursued and brought back. Prison officers and state police officers shall be authorized to enter properties and premises in the course of hot pursuit if this is necessary to bring back the escaping prisoner, and to search properties, premises and motor vehicles for the escaping prisoner if it can be assumed on the basis of certain facts that he is staying there. The provisions of sections 94(2) and 95(1) and (3) of the Code of Criminal Procedure shall apply mutatis mutandis to searches. When entering properties and premises, the law enforcement officers shall also proceed with avoidance of unnecessary commotion, any not unavoidably necessary harassment or disturbance of persons concerned and with the greatest possible protection of their reputation.

2) If an escaped prisoner cannot be apprehended immediately, the correctional officers at the state police shall

The police are responsible for the arrest of the person in question.

3) The directly supervising prison officer shall immediately report any case of successful or attempted escape to the prison governor. The latter shall investigate the case. The investigation shall in particular also cover whether the escape was facilitated by conduct in breach of duty on the part of a person working in the prison or by deficiencies in the prison facilities. Any escape or sensational escape, as well as any escape caused by the negligent conduct of a person working in the penitentiary system, shall be reported to the authorities.

The head of the institution shall immediately report to the government and the district court board of directors on any cases in which the presence of a third party has been made possible.

10. Administrative offences Art. 101

Definition

1) A misdemeanor shall be committed by a prisoner who, contrary to the provisions of this Act, intentionally

a) leaves the institution or otherwise escapes;

b) communicates with a person outside the institution, a person working in the penal system or otherwise for the institution, an employee of the public administration, a contractor, another private client (Art. 42 Para. 2) or one of his employees, a visitor or another prisoner;

c) injures himself or herself in the body or damages his or her health or allows himself or herself to be injured or damaged by another in order to render himself or herself unfit to perform his or her duties, or tattoos or allows himself or herself to be tattooed;

d) makes statements calling for acts punishable by law or discipline or approving such acts, or grossly violates decency;

e) objects in his custody;

f) fails to make one of the reports specified in Art. 33 or makes such a report against his better knowledge;

g) fails to perform work assigned to him/her despite a warning;

h) fails to resume the sentence immediately after a break in the term of imprisonment or after an exit;

i) behaves improperly towards a person working in the penal system or otherwise for the institution, an employee of the public administration, a contractor, other private client (Art. 42 Para. 2) or one of its employees or a visitor; or

k) otherwise violates the general obligations of prisoners under Article 24.

2) An offence shall also be committed by a prisoner who intentionally or through gross negligence causes damage to the property of the institution or to the other objects referred to in Article 32 or seriously soils such property or objects.

3) A misdemeanor shall also be committed, without prejudice to Article 112, paragraph 1, by a prisoner who commits a criminal act within the jurisdiction of the regional court against the physical safety, honor or dignity of one of the persons referred to in paragraph 1, subparagraph i, or of a fellow prisoner, or a criminal act within the jurisdiction of the regional court against the property of the institution.

4) Proceedings for administrative offenses shall be governed by the Act on the General Administration of the State, unless otherwise provided in this subsection. The attempt is punishable.

Art. 102

Punishment of administrative offenses

1) If a prisoner commits a misdemeanor, he shall in any case be warned by the supervising prison officer.

2) If the fault of the prisoner is minor, if the misdemeanor has had no or only insignificant consequences, and if punishment does not seem necessary to deter the prisoner from future misconduct, the warning shall be sufficient. Otherwise, a penalty shall be imposed on the prisoner.

3) The supervising prison officer shall report the commission of a misdemeanor to the head of the prison if he/she believes that a penalty should be imposed pursuant to subsection 2 or if he/she at least considers it possible.

Art. 103

Penalties for misdemeanors

Only one or more of the following measures may be considered as penalties for misdemeanors:

a) the reference;

b) the restriction or withdrawal of benefits;

c) the restriction or deprivation of the rights to dispose of the house money (Art. 49), television reception (Art. 54), correspondence (Art. 77), sending parcels and money (Art. 82), receiving visitors (Art. 84) or telephone calls (Art. 88);

d) the fine;

e) the house arrest.

Art. 104

Reference

The reprimand consists of an emphatic reprimand to be given to the prisoner by the head of the institution.

Art. 105

Limitation or withdrawal of benefits

Benefits may be restricted or withdrawn for a maximum period of three months. Upon expiry of the period of restriction or withdrawal, they may be acquired again without the ordered restriction or anew under the otherwise required conditions (Art. 22).

Art. 106

Restriction or deprivation of rights

1) The penalty of restriction or temporary deprivation of the right to correspondence, to receive visitors or to make telephone calls may be imposed only for abuse of this right.

2) The right to receive television may be withdrawn or restricted for a maximum of eight weeks, and the right to receive correspondence or telephone calls for a maximum of four weeks. The right to dispose of the household money and the right to receive parcels shall not be withdrawn.

The right to receive visitors and money may be withdrawn for a maximum period of four weeks and restricted for a maximum period of eight weeks. The right to receive visits may be withdrawn or restricted at most in such a way that the prisoner may receive no visits or only certain visits up to three times in uninterrupted succession at the times otherwise provided for.

3) If the right of a prisoner to dispose of the house money is revoked, the amounts that would have been credited to him as house money for the period in which the revocation takes effect shall be credited as a reserve. If the right to dispose of the house money is only restricted, the credit shall be made as a reserve instead of as a house money in accordance with the extent of the restriction.

4) The right to communicate in writing with the persons and bodies referred to in Article 81 paras 4 to 6, as well as the right to receive visits from these persons and from representatives of the bodies referred to in Article 81 paras 4 to 6, shall not be affected by any restriction or deprivation of the right to communicate by letter or to receive visits.

Art. 107

Fine

The fine may not exceed the amount of 500 Swiss francs. It shall be withheld from the house money in reasonable instalments.

Art. 108

House arrest

1) The punishment of simple or strict house arrest may be imposed only if aggravating circumstances prevail. House arrest may not exceed four weeks.

2) During the period of house arrest, the prisoner shall be held in a special room; in the case of prisoners held in solitary confinement, the sentence may, in minor cases, order that they serve the period of house arrest in their usual room. During such detention, the prisoner shall be deprived of the rights and benefits referred to in Article 103(c), unless, in the case of simple house arrest, some of these rights or benefits are expressly maintained in the judgment of sentence in order to achieve the educational purpose of the sentence. In the case of movement

outdoors, the prisoner shall be kept separate from others. The prisoner may only be employed in work that can be performed in the prison.

3) If strict house arrest is imposed, at least one of the measures listed below shall be ordered in the sentence for the duration of the house arrest:

a) Limitation of the time when the detention room is artificially lit;

b) Withdrawal from work.

Art. 109

Failure to include in the penalty time

If a prisoner has intentionally evaded his work obligation by self-harm or other misdemeanor, the time spent in house arrest for this misdemeanor shall not be included in the prisoner's sentence, in whole or in part. The prison court shall decide on this at the request of the head of the prison (Article 15(2)(g)).

Art. 110

Procedure for administrative offences

1) The head of the institution shall decide on the imposition of administrative penalties, without prejudice to the provisions of Article 102. However, if the administrative offense is directed against the person of the head of the institution, the decision shall be made by the Appeals Commission for Administrative Matters. The commission shall retain jurisdiction even if the prisoner is transferred to another institution during a pending administrative penalty proceeding.

2) If a prisoner is suspected of committing a punishable misdemeanor and if his segregation from the other prisoners appears necessary to maintain security and order in the institution, the correctional officer in direct charge shall admit him to an individual room or, if the prisoner is held in solitary confinement, to his detention room.

3) If a prisoner is accused of a misdemeanor for which a penalty would have to be imposed, he shall be heard on this accusation. If the facts of the case do not appear to be sufficiently clear, further investigations shall be carried out. If, according to the result of this investigation

If the court decides to impose a penalty, the prisoner shall be heard again.

4) A sentence shall be announced to the prisoner by the head of the institution if the administrative offense is not directed against him or her, or by his or her deputy if the offense is not directed against him or her. At the same time the prisoner shall be informed of the possibility of lodging a complaint (Article 114). At his request, a written copy of the decision shall be sent to him. The essential content of the decision shall be made visible in the prisoner's personal files.

5) If a prisoner is not sufficiently proficient in German, he shall be provided with the necessary translation assistance in the administrative penalty proceedings.

6) Unless otherwise provided in this Act, sentences shall be executed without delay. If the sentence of house arrest has been executed on a prisoner, such sentence may not be executed on him again until a period of time corresponding to the duration of the executed house arrest has elapsed.

7) The adjudicating authority (para. 1) may pronounce the sentences specified in Article 103 b) to e) unconditionally or, subject to a probationary period of between one and six months, may conditionally or partially impose, mitigate or commute them if, taking into account all the circumstances, this is more expedient than the execution or further execution of the sentence imposed. The probationary period shall end at the latest upon release from penal custody. If the prisoner is released within

If the prisoner is found guilty of another misdemeanor during the probationary period, the conditional leniency shall be revoked after hearing the prisoner and the sentence shall be executed, unless it appears expedient to refrain from revocation for special reasons. In the case of a misdemeanor committed during the probationary period, revocation may still take place within six weeks of the expiry of the probationary period.

Art. 111

Involvement of the institution physician

The sentence of house arrest may not be carried out if and as long as, according to the statement of the prison physician, the health of the prisoner would be endangered thereby.

Art. 112

Judicial prosecution

1) The fact that an act may also be punished as a misdemeanor does not prevent it from being punished by the courts.

2) The penitentiary authorities shall immediately report to the public prosecutor's office any suspicion of an act by a prisoner which is punishable by a court and which is not to be prosecuted merely at the request of the offender.

3) The public prosecutor may refrain from or withdraw from prosecuting a prisoner for a criminal act within the jurisdiction of the single judge under section 317 of the Code of Criminal Procedure if the act is only minor and the sentence imposed renders judicial punishment unnecessary.

11. Requests and complaints Art. 113

Request

Prisoners shall have the right to submit requests concerning the execution of their sentences in an appropriate form, either orally or in writing. For this purpose, they shall address themselves to the prison officer nearest to them in cases which cannot be delayed, and otherwise to the prison officer responsible for such matters at the time of day to be specified in the house rules.

Art. 114

Complaints

1) Prisoners may appeal against any decision concerning their rights.

The prisoners shall be entitled to complain about any decision or order made by the prison authorities and about any conduct of the prison staff concerning their rights. However, prisoners may complain about the nature of medical treatment only in accordance with Art.

116. The complaint shall specify the contested decision, order or conduct and state the reasons for raising the complaint, unless they are obvious.

2) Except in case of imminent danger, an appeal may be filed not earlier than on the first day, but not later than on the fourteenth day after that day.

The appeal may be lodged on the day on which the prisoner becomes aware of the grounds for appeal. If the appeal is directed against a decision, it may, except in cases of imminent danger, be lodged not earlier than on the first day, but not later than on the fourteenth day after the day on which the decision was announced or served on the prisoner. Complaints shall be submitted in writing or orally to the prison officer in charge at the time of day to be determined by the prison governor. If the complaint is directed against the prison governor and is filed with the Complaints Commission for Administrative Matters within the time limit for filing complaints, it shall be deemed to have been filed in due time. In this case, the Complaints Commission for Administrative Matters shall immediately forward the complaint submitted to it to the head of the institution.

3) The lodging of an appeal has no suspensive effect. However, the head of the institution and the Appeals Commission for Administrative Matters may temporarily suspend the execution of orders against which an appeal has been lodged until the matter has been settled if there is no imminent danger.

Art. 115

Complaint procedure

1) The head of the prison shall decide on complaints against prison staff or their orders. If the complaint is directed against the prison governor or against a decision or order made by him and he does not remedy the complaint himself, the decision shall be made by the Complaints Commission for Administrative Matters.

2) If the facts of the case are not sufficiently known, investigations shall be carried out before the matter is settled. When submitting a complaint, the head of the institution shall attach a brief report, unless the facts of the case are already apparent from the files submitted.

3) The complainant shall be heard prior to the decision, unless such a hearing does not appear necessary under the circumstances of the case, in particular because the facts of the case appear to be already sufficiently clarified or the complaint is granted in its entirety.

4) If the complaint is not directed against the head of the prison, the head of the prison, or otherwise his deputy, shall announce the decision to the prisoner. At the same time, the prisoner shall be informed about the

of the possibility of a further appeal. At his request, the prisoner shall also be served with a written copy of the decision.

Art. 116

Invocation of the right of supervision of the enforcement authorities

Prisoners shall have the right to appeal to the law enforcement authorities by means of petitions and complaints. No decision need be issued on such requests or complaints.

12. Forms of execution of sentences Art. 117

Differentiation

Within the framework created by the provisions of this Law, different forms of penal execution shall be developed which are suitable for promoting the achievement of the purposes of penal execution (Article 19).

Art. 118

Forms of accommodation

1) During the day, prisoners shall be housed as long as possible in community with other prisoners, and during the night as individually as possible. Insofar as it is expedient according to the type of execution and the other circumstances, the accommodation shall be in living groups or otherwise without closure of the detention or recreation rooms during the day.

2) Particularly in the formation of residential, work, and recreational groups of prisoners, consideration shall be given to avoiding, as far as possible, a harmful influence on or by fellow prisoners and to promoting a beneficial influence.

3) A prisoner shall not be accommodated with others during the day if this is necessary for health reasons or otherwise to achieve the purposes of the penal system (Article 19) for his own sake or for the sake of his fellow prisoners.

4) Individual placement of prisoners at night may only be dispensed with if the prison facilities do not permit such placement, if there are organizational reasons for not doing so, or if the prisoner wishes to be placed in community with others. Individual placement at night shall not be permitted, however, if it would endanger the physical or mental condition of the prisoner.

5) The provisions of Art. 96, 108 and 110 par. 2 shall remain unaffected.

Art. 119

Solitary confinement

1) If a prisoner, for whatever reason, is housed individually by day and by night (solitary confinement), he must be visited at least once a day by a suitable correctional officer, unless he receives visits (Art. 84).

2) A prisoner may be held in solitary confinement against his will for an uninterrupted period of more than four weeks only by order of the prison court, which shall decide on the matter at the request of the head of the prison (Article 15(1)(h)). If the prison court orders the maintenance of solitary confinement, it shall at the same time determine the duration of such maintenance. A prisoner may be kept in solitary confinement for more than six months without interruption only at his request and with the consent of the prison physician.

Art. 120

Execution of sentences in a relaxed form

1) Prisoners serving terms of imprisonment shall be held in the penal system in a relaxed form, provided that facilities for such enforcement exist, that such facilities are thereby best utilized, and that it is to be expected that the prisoners will not abuse the relaxed form.

2) In the penitentiary system in a relaxed form, prisoners shall be granted one or more of the following relaxations:

a) Detention without locking the day rooms or even the gates during the day;

b) Limitation or elimination of guarding at work, including outside the institution;

c) Leaving the institution for the purpose of vocational training and further education or the use of outpatient treatment measures;

d) one or two exits within the meaning of Art. 92 per month also for purposes other than those mentioned therein.

3) The order that a prisoner is to perform work outside the institution without supervision and not for a business belonging to the institution (release) may be issued only with the consent of the prisoner. In this case and in the case of subsection 2(c), the prisoner must also be ordered to return to the prison.

4) Prisoners who are held in the penal system in a relaxed form may also be permitted to take part in an outing in a small group and in the company of a person working in the penal system. Prisoners who are granted lo- cation in accordance with par. 2 letters b and c may also be permitted to take outdoor exercise (Art. 40) outside the institution.

5) The decision as to whether a prisoner is to be detained in the penitentiary system in a relaxed form shall be made by the head of the institution.

Art. 121

First execution

1) Prisoners serving their first custodial sentence shall, as far as possible, be held separately from prisoners who are not serving their first custodial sentence; in the case of prisoners serving a sentence of more than three years, such separation may be waived with their consent.

2) Prisoners in the first stage of imprisonment shall be provided with increased educational support (Article 52) to the extent that this is necessary.

Art. 122

Execution of sentences on prisoners convicted of criminal acts committed through negligence

1) Prisoners who have been convicted exclusively or predominantly of negligent criminal acts or of committing an act punishable by law while fully intoxicated (Section 287 of the Criminal Code) in relation to an act or omission committed negligently shall, as far as possible, be held separately from prisoners in respect of whom this is not the case.

2) In the case of prisoners convicted of negligently committing criminal acts against life or limb or of committing an act punishable by law while in a state of full intoxication (section 287 of the Criminal Code) with respect to such acts or omissions, insofar as this may affect the

principles of economical, economic and expedient administration, to hold classes on the prevention of accidents and on first aid.

Art. 123

Execution of sentences on prisoners who are unsuitable for the general penal system because of their psychological characteristics.

Prisoners who are not suitable for general imprisonment on account of their psychological peculiarities shall, without prejudice to Article 126, be kept separately from other prisoners and cared for in accordance with their condition. If the execution of the sentence in the regular manner would be detrimental to such a prisoner, the director of the institution shall order deviations from the provisions of this Act adapted to the particular nature of the prisoner. In doing so, however, the rights granted to the prisoners shall not be impaired.

C. Implementation of the penitentiary system

1. Recording

Art. 124

Initiation of the execution of the sentence

1) If a person is present in the state prison during office hours for the purpose of commencing the execution of a custodial sentence, or if he is brought or transferred there for that purpose, it shall be determined whether he is the convicted person; if he is, he shall be admitted as a prisoner.

2) The provisions on admission shall apply mutatis mutandis to the transfer of a convict to the penitentiary system.

3) Female convicts who have the right to care for and bring up their children may keep them with them in accordance with Article 73(2). Article 73(3) also applies to these cases.

Art. 125

Searches of prisoners, medical examinations and identification treatment

1) The admission shall be carried out in the rooms provided for this purpose. The prisoners must undress and be searched; the provisions of Article 95 paragraph 2 on searches shall apply mutatis mutandis.

2) Objects brought by the prisoners are to be returned to them in accordance with the

The inmates are to be left in their own cells in accordance with their spatial circumstances, in particular taking into account the space required by other inmates, to the extent that no misuse is to be feared and the required supervision is possible. Mementos of personal value and objects used for personal hygiene, insofar as they are not dangerous, photographs of persons close to them, a marriage or partnership ring, a bracelet or pocket watch, the prisoner's own clothing in accordance with Article 36, paragraph 1, as well as objects for decorating the prison room in accordance with Article 37, paragraph 2, shall be left with the prisoner in any case. Likewise, prisoners shall be provided with the basic scriptures and a devotional book and objects of their faith. The provision of food and stimulants shall be permitted only in the cases specified in Articles 26, 31, 35 and 82.

3) The prisoners shall be allowed to keep the spare parts, orthopaedic appliances and other aids they use if they need them in view of their condition. If there is any doubt about this, the prison physician must be consulted. Medicines and remedies carried by the prisoner may be left with him only if the prison physician has declared that there are no objections to them from the point of view of health care.

4) During the admission or insofar as this is otherwise necessary for identification purposes, photographs and fingerprints may be taken of the prisoners and measurements taken of them, even against their will. In all other respects, the state police shall be permitted to use prisoners for identification purposes in the performance of their duties.

5) Prisoners shall be examined by a physician upon admission or immediately thereafter. If the results of the examination indicate that the execution of the sentence should be postponed (Article 126), the court shall be informed.

Art. 126

Postponement of the execution of the sentence

1) If it subsequently transpires that the commencement of the execution of the sentence should have been postponed on the grounds of unfitness for the full term of imprisonment, and if the relevant circumstances continue to exist, Art. 5 shall apply mutatis mutandis.

2) The same procedure shall be followed if a prisoner becomes seriously ill during imprisonment, suffers an accident with serious consequences or falls into any other serious physical or mental state of weakness and it is to be assumed that his condition is associated with imminent danger to his life or will continue to be so forever or for a long time.

3) The decision on the subsequent postponement is incumbent on the execution court (Art. 15 para. 1 let. i).

2. Preparation for dismissal Art. 127

Discharge Execution

1) Prior to release, prisoners shall be provided with increased educational (Art. 52) and welfare services in preparation for life in freedom.

2) To the extent possible according to the facilities of the institution, prisoners who are not expected to misuse the lockups shall be granted one or more of the lockups mentioned in Article 120 during their release from prison.

Art. 128

Start of the discharge execution

1) Depending on the extent of the prison sentence to be executed, the execution of the release begins three to twelve months before the expected release.

2) If the prison governor is of the opinion that the prisoner is likely to be released on parole, the date of the likely parole shall be decisive for the purposes of subsection 1. If a prisoner who is to serve a life sentence has been sentenced to a further term of imprisonment after the commencement of the execution of the sentence,

the time of the expected conditional release may not be assumed to be earlier than the time when the temporal prerequisites for a conditional release from the further custodial sentence are also met, in which case the calculation shall be based on the time spent in custody since the entry into force of the final judgment of the further custodial sentence.

3) If looseness has been granted in the execution of release pursuant to Article 127(2), it may not be withdrawn from the prisoner merely because his conditional release has been refused.

Art. 129

Preparation for discharge

1) Prisoners shall be informed of the legal disadvantages they have suffered as a result of their conviction and of the legal options available to them for remedying these disadvantages after their release.

2) If necessary, prisoners shall be encouraged to take timely precautionary measures.

to ensure that, after their release, they will be able to find suitable accommodation and a bona fide occupation, and that, upon release, they will have proper clothing and the means necessary for travel to their future place of residence and for their subsistence during the initial period after release. Sick, injured or pregnant prisoners shall be encouraged to make arrangements for their medical care after release. The efforts of prisoners shall be supported in word and deed in cooperation with the Office of National Economy and with public and private welfare agencies.

3) Insofar as this is expected to promote reintegration into life in freedom, in particular the prospects of honest advancement, prisoners may, within the framework of the principles of the penal system, be permitted to use facilities and participate in events operated or held for comparable purposes by legal entities other than the Land. If the costs are not borne by other parties, they may be borne by the state up to the amount that would have to be spent on comparable facilities or events of the state.

Art. 129a

Output

1) During the execution of release, a prisoner shall be permitted, at his request, to go out on one or more occasions for a maximum of three days each, plus any necessary travel, in order to prepare him for life in freedom and to put his affairs in order, if it is to be expected from his person, his previous life and his conduct during detention that he will not misuse the outing, and if accommodation and subsistence of the prisoner are assured for the time of the outing. The state police shall be informed of the approval of an outing.

2) Art. 91 paras. 3 to 6 shall apply mutatis mutandis.

3) The decision about the exit and about the revocation is up to the head of the institution.

4) The decision on non-inclusion of the time of exit or time spent outside the sentence in the penalty period (Art. 91 par.

6) shall be at the discretion of the enforcement court (Art. 15 para. 1 let. d).

3. Dismissal

Art. 130

Time of discharge

1) If a prisoner has served his term of imprisonment, less any part thereof which has been suspended or conditionally suspended, he shall be released.

2) The prisoners shall be released within the first two official hours of the day of release. However, if the term of sentence (para. 1) ends before the beginning of the official hours or on a day on which no official hours are held, it shall be proceeded as if the term of sentence ended on the last preceding day on which official hours are held.

3) Par. 2 shall not apply to prisoners whose sentence does not exceed two weeks.

Art. 131

Dismissal

1) Prior to release, the head of the prison shall hold a final discussion with the prisoner. The prisoner shall be informed about the release. The prisoner shall be provided with a leaflet stating briefly and in simple terms the legal disadvantages that he or she will continue to suffer as a result of the conviction even after release, as well as the obligations imposed on him or her, and, in the case of conditional release, the reasons for which release may be revoked.

2) The release shall be carried out in the rooms provided for this purpose. The prisoners shall undress and be physically searched; the provisions of Article 95, paragraph 2, on searches shall apply mutatis mutandis. Clothing belonging to the prison (Art. 36, para. 1) and the other prison articles given to the prisoners for their use shall be taken from them.

3) Prisoners whose clothing cannot be repaired or whose clothing is insufficient due to the season or the state of health of the prisoner and who cannot obtain proper clothing for release in any other way shall be provided with the necessary simple items of clothing ex officio.

4) Prisoners shall be medically examined before release.

4. Execution of sentences for prisoners who have been ordered to be placed in an institution for dangerous recidivists

Art. 132

1) The order for placement of a prisoner in an institution for dangerous recidivists shall be given special consideration in the execution of sentences in general and in the assignment of work (art. 44), executions and transfers (art. 90), and placement (arts. 118 and 119).

2) As long as it has not been decided that the transfer of the lawbreaker to the institution for dangerous recidivists is no longer necessary (Article 24(2) of the Criminal Code), Articles 127 to 131 shall not apply, unless the prisoner is expected to be released conditionally (Article 128(2) and (3)).

3) If the prisoner is not released early, the court shall examine whether placement in an institution for dangerous recidivists is still necessary (section 24(2) of the Criminal Code) no later than three months before the end of the sentence. If the prisoner is released on parole, it shall be declared at the same time that placement is no longer necessary (sections 24(2) and 47(4) of the Criminal Code).

4) If the sentenced person is to be transferred from criminal custody to an institution for dangerous recidivists, the transfer shall be effected in such a timely manner that the sentenced person is already in the institution for dangerous recidivists at the time when the term of sentence ends. For this purpose, the transfer may be initiated up to two weeks before the end of the sentence. The sums of money credited in the execution of the sentence as egg money, house money or reserves shall be credited to the sentenced person as of the day of transfer to the execution of placement in an institution for dangerous recidivists. If administrative penalties have not yet been executed or have not yet been executed in full at the time of transfer, they shall be executed in the institution for dangerous recidivists, without prejudice to Article 110(6).

5. Preparation of conditional release Art. 133

Decision on conditional release

1) A decision on the conditional release of a convict shall be taken at the request of the convict or at the request of the head of the institution or the public prosecutor's office. An application by the convicted person shall be deemed equivalent to an application by a relative. An ex officio decision shall be taken on the conditional release of a prisoner who, in the month after next, will have fulfilled the temporal requirements for conditional release pursuant to Section 46 (2) of the Criminal Code. The decision shall in any case be made by the court of execution (Article 15(1)(k)).

2) Prior to any decision on conditional release, the court shall inspect the records of the criminal proceedings and the personal file of the prisoner.

take a decision. If a conditional release is not already ruled out due to a lack of fulfillment of the temporal requirements, the court shall also obtain a statement from the prisoner, the prison director and the public prosecutor's office. In his statement, the director of the prison must in particular comment on the indications that the prisoner is

The court shall be informed of the reasons for the application for release that arise from the person of the prisoner, his performance in prison and the external circumstances to be expected at the time of possible release for the life of the convicted person in freedom. It is not necessary to obtain statements insofar as the prisoner, the director of the institution or the public prosecutor's office itself has submitted the application for release and has given reasons for it.

3) If the placement of the prisoner in an institution for dangerous recidivists has been ordered, the state police shall also be given the opportunity to comment before a decision on conditional release is made.

Art. 134

Hearing and complaint

1) Before making its decision, the court shall hear the prisoner, unless such a hearing does not appear necessary under the circumstances of the case. If the prisoner himself applies for a hearing for the first time for the purpose of conditional release, subject to the time requirements of Section 46 (2) and (6) of the Criminal Code, such hearing may be omitted only if the court grants the release. In the case of his hearing, the decision may also be announced orally to the prisoner by the court. It is permissible for the court to hear the prisoner using technical equipment for the transmission of words and images and to announce the decision to him in the same way.

2) Insofar as it appears expedient to predict the future behavior of the convicted person, the court shall hear suitable persons for this purpose, such as the prison director or a prison officer specially appointed by him for this purpose and other persons working in the penal system or in probation assistance, and if necessary also a medical or psychological expert.

3) If, in case of oral pronouncement of the decision, the convicted person or the public prosecutor's office, if a representative of the public prosecutor's office was present at the pronouncement, reports an appeal within three days after the pronouncement.

If the court of first instance decides that the appeal is not justified, a copy of the decision shall be served on the appellant and, at the request of the convicted person, on his representative. In this case, he may elaborate on the complaint within fourteen days of service. If the public prosecutor's office and the convicted person waive their right to appeal against the order, or

If they do not file an appeal within the time limit open for this purpose, the record of the hearings pursuant to paras. 1 and 2 and the copy of the decision may be replaced by a note to be signed by the chairman and the secretary, which shall contain the names of the persons heard and present at the hearing as well as the circumstances relevant for the decision in key words.

IV. Execution of preventive measures associated with deprivation of liberty

A. Enforcement order Art. 135

1) Articles 3 to 5, 7 and 8 paragraph 1 shall apply mutatis mutandis to the ordering of the execution of preventive measures associated with deprivation of liberty, unless otherwise specified below.

2) If enforcement of a preventive measure involving deprivation of liberty has not been initiated three years after the measure has become enforceable, the measure may only be enforced if it is established that the dangerousness against which the measure is directed still exists. The decision that the dangerousness no longer exists is equivalent to a conditional release from the measure in question.

3) Article 7 shall apply mutatis mutandis to the decision under paragraph 2.

B. Institutions and authorities Art. 136

Institutions for mentally abnormal lawbreakers

1) The placement of mentally abnormal offenders shall be carried out in specially designated institutions, unless otherwise provided for in this Act. Article 8(2) shall apply mutatis mutandis.

2) The institutions for mentally abnormal offenders may also execute sentences on prisoners who, due to their mental condition, cannot be properly treated in other correctional institutions.

or who are not suitable for general enforcement because of their special mental characteristics. This shall apply mutatis mutandis to the execution of placement in an institution for lawbreakers in need of weaning and to the execution of placement in an institution for dangerous recidivists.

3) When establishing institutions for the purpose of placement pursuant to Section 21 (1) of the Criminal Code, particular attention shall be paid to the requirements arising in connection with the psychiatric treatment of the detainees (Article 142). Institutions shall be required to keep and preserve medical records.

4) Placement under section 21(1) of the Criminal Code may be executed by admission to a suitable psychiatric hospital if:

a) taking into account the condition of the lawbreaker to be accommodated, it is possible to make do with the facilities as they exist in the public hospital for the accommodation of mentally ill persons pursuant to the Social Assistance Act;

b) the lawbreaker and his legal representative give their consent; and

c) the head of the hospital has been given the opportunity to make a statement.

5) Placement in accordance with Section 21(2) of the Criminal Code may also be carried out in special wards of institutions for the execution of custodial sentences.

Art. 137

Institutions for lawbreakers in need of weaning

1) The placement of offenders in need of weaning shall be carried out in specially designated institutions or in special departments of institutions for the execution of custodial sentences, unless otherwise provided for in this Act. Article 8(2) shall apply mutatis mutandis.

2) In the institutions and special departments for lawbreakers in need of weaning, the execution of sentences may also be carried out on convicts in need of weaning (Art. 66).

Art. 138

Institutions for dangerous recidivists

1) The placement of dangerous recidivists shall be carried out in specially designated institutions or in special departments of institutions for the execution of custodial sentences, unless otherwise provided in this Act. Article 8(2) shall apply mutatis mutandis.

2) In special departments for dangerous recidivists, punishment may also be carried out on prisoners.

Art. 139

Enforcement Court

The enforcement court (Art. 15) also decides on:

a) the necessity of placement or further placement in an institution for mentally abnormal lawbreakers, in an institution for lawbreakers in need of weaning or in an institution for dangerous recidivists (Sections 24 and 25 of the Criminal Code), on the conditional release from one of these institutions and the related orders, on the revocation of the conditional release and on the fact that the conditional release has become final, unless otherwise provided for in Art. 154, unless otherwise provided (Sections 47 to 52, 54 and 56 of the Criminal Code);

b) unconditional release from an institution for lawbreakers in need of weaning, if continuation or completion of weaning treatment would not be successful (Section 47 of the Criminal Code);

c) the admissibility of restrictions on freedom of movement and intercourse with the outside world, as well as treatment measures in the case of the placement of a mentally abnormal lawbreaker under Section 21(1) of the Criminal Code in a public psychiatric hospital (Art. 145).

Art. 140

Supplementary provisions

Articles 9 to 11 and 16 to 18 apply mutatis mutandis.

C. Placement in an institution for mentally abnormal lawbreakers

Art. 141

Accommodation purposes

1) Placement in an institution for mentally abnormal offenders is intended to prevent the detainees from committing punishable acts under the influence of their mental or emotional abnormality. The purpose of placement is to improve the condition of the detainees to such an extent that they can no longer be expected to commit punishable acts, and to help the detainees to adopt a righteous attitude to life which is adapted to the requirements of community life.

2) Insofar as the period of detention is to be credited against the sentence pronounced at the same time as it is ordered (Section 24(1) of the Criminal Code), the execution shall also demonstrate the unworthiness of the conduct on which the conviction is based.

Art. 142

Accommodation in accordance with Section 21 (1) of the Criminal Code

1) The following special provisions shall apply to the execution of placement pursuant to Section 21 (1) of the Criminal Code:

a) The prisoners shall be treated in accordance with the principles and recognized methods of psychiatry, psychology and pedagogy, taking into account their condition, in order to achieve the purposes of the execution of the sentence (Article 141) and to maintain security and order in the institutions. The rights of the inmates, which correspond to the rights granted to prisoners in Articles 19 to 123, may be restricted only to the extent necessary to achieve the aforementioned purposes. The rights of prisoners corresponding to the rights granted to prisoners in Articles 113 to 116, as well as the human dignity of prisoners, shall not be impaired. However, complaints which it is obvious are due exclusively to the mental or psychological abnormality of the prisoner and not to any impairment of his rights shall be dismissed without formal proceedings.

b) Subparagraph (a) shall apply mutatis mutandis to orders made in general or in individual cases with regard to the obligations of the persons accommodated and with regard to measures taken in respect of persons accommodated who have committed acts which, in the case of a prisoner, would be regarded as misdemeanors; in addition, such measures may not subject the person accommodated to less favorable treatment in their overall effect than would be permissible in the case of a prisoner.

2) Unless otherwise provided in subsection 1, the provisions of Article 143 shall also apply to the execution of detention under Section 21(1) of the Criminal Code.

Art. 143

Accommodation in accordance with Section 21 (2) of the Criminal Code

The following special provisions shall apply to the execution of placement pursuant to Section 21(2) of the Criminal Code:

a) In order to achieve the purposes of the execution of the sentence (Art. 141), the inmates shall receive medical care in accordance with their condition, in particular psychiatric, psychotherapeutic and educational care, and their mental health shall be promoted. Insofar as deviations from the provisions on the execution of the placement (Art. 144) are required, the director of the institution shall order such deviations within the framework of Art. 142 (1) (a) and (b).

b) An interruption of the placement may only be granted if it can be assumed that the person placed in custody will not commit a judicially punishable act during the period of this interruption. In all other respects, Art. 91 shall apply mutatis mutandis.

Art. 144

Supplementary provisions

1) Unless Articles 141 to 143 provide otherwise, Articles 19 to 126, 129 to 131 and 133 shall apply mutatis mutandis. The court shall hear the prisoner at least once within two years before deciding on conditional release (Art. 134).

2) Before a decision on conditional release is made, the state police shall also be given the opportunity to comment.

Art. 145

Execution by admission to suitable hospitals

1) The appropriate hospitals shall be obliged to admit and stop the persons admitted under the provisions of Art. 136, para. 4.

2) Interruptions, exits and dismissals shall be permitted only in accordance with Articles 139 and 143(b) of this Act and Section 47 of the Criminal Code.

D. Placement in an institution for lawbreakers in need of weaning

Art. 146

Accommodation purposes

1) Placement in an institution for wean- ing offenders is intended to wean the detainees, depending on their condition, from the abuse of intoxicating substances or narcotics, to help the detainees achieve a lawful way of life adapted to the requirements of community life, and to prevent them from pursuing harmful inclinations.

2) Insofar as the period of detention is to be credited against the sentence pronounced at the same time as it is ordered (Section 24(1) of the Criminal Code), the execution shall also demonstrate the unworthiness of the conduct on which the conviction is based.

Art. 147

Specialprovisions

The following special provisions shall apply to placement in an institution for lawbreakers in need of weaning:

a) In order to achieve the purposes of the execution of the sentence (Art. 146), the detainees shall be subjected to withdrawal treatment and shall be provided with medical care, in particular psychotherapeutic and educational care, in accordance with their condition, and their mental health shall be promoted.

b) Art. 143 letter b shall apply mutatis mutandis to interruptions of the accommodation.

c) If an inmate is not expected to be released on parole, execution of the release shall commence three months before the expiry of the detention period (section 25(1) of the Criminal Code).

Art. 148

Supplementary provisions

Unless Articles 146 and 147 provide otherwise, Articles 19 to 131 and 133 shall apply mutatis mutandis. The court shall hear the prisoner at least once within two years before deciding on conditional release (Art. 134).

E. Placement in an institution for dangerous recidivists Art. 149

Accommodation purposes

Placement in an institution for dangerous recidivists is intended to prevent those placed there from pursuing harmful inclinations and to help them to adopt a righteous attitude to life which is adapted to the requirements of community life.

Art. 150

Start of the discharge execution

If an inmate is not expected to be released on parole, execution of the release order shall commence six months before the expiry of the detention period (section 25(1) of the Criminal Code).

Art. 151

Supplementary provisions

Unless Articles 149 and 150 provide otherwise, Articles 19 to 90, 93 to 131 and 133 shall apply mutatis mutandis. A hearing of the person placed in custody by the court prior to the decision on conditional release (Art.

134) must be held at least once within two years.

F. Coincidence of custodial sentences and preventive measures

Art. 152

1) In the case of placement in an institution for mentally abnormal offenders and in an institution for dangerous recidivists, the order of execution specified in section 24 of the Criminal Code shall be observed in relation to a custodial sentence to be imposed on the same offender, even if the custodial sentence was not imposed at the same time as the placement order.

2) If the same person is subject to placement in an institution for convicted offenders and one or more custodial sentences with a total term of imprisonment exceeding two years, Article 66(1)(b) shall apply.

3) The period of detention in an institution for mentally abnormal offenders or offenders in need of detoxification shall also be credited against sentences which were not ordered at the same time as the detention.

V. Procedure after conditional release

Art. 153

Aftercare

An offender who is released on parole may be ordered to undergo detoxification, psychotherapy or other medical or psychological treatment (Section 51(3) of the Penal Code).

Art. 154

Procedure

1) Article 16 shall apply mutatis mutandis to the procedure following a conditional release.

2) Before deciding on the revocation of the conditional release, the court shall always inspect the files on the criminal proceedings and possibly hear the released person, if a probation officer has been appointed, also the probation officer. Before an intended extension of the probationary period pursuant to section 53(2) or (4) of the Criminal Code, the court shall

a medical or psychological expert must be heard. Prior to the decision that the release has become final, the state police shall be given the opportunity to comment. In addition, before this decision is made, information from the criminal record must be obtained and, if a probation officer has been appointed, the probation officer must also be heard.

3) The court and the state police may place the released person in temporary custody if there are urgent suspicions that there are grounds for revoking the conditional release and if it is feared that the released person will flee or that the commission of further punishable acts is imminent. An appeal against provisional release has no suspensive effect.

4) The State Police shall be notified of a conditional discharge that has become final.

VI. Penal provisions

Art. 155

1) Unless the act is punishable by a more severe penalty under another provision, the district court shall punish for a misdemeanor by a fine not exceeding 20,000 francs, or in case of non-collection by imprisonment for a term not exceeding three months, any person who intentionally, in an unlawful manner:

a) communicates or otherwise communicates in writing or orally with a person who is in temporary custody or in ordinary preventive detention with a prisoner or a person who is accommodated;

b) Transmits money or property to or receives money or property from any person described in subparagraph (a).

2) In the case of negligent commission, the upper limit of the penalty shall be reduced to half.

3) Prison officers are authorized to establish the identity of a person caught in the act of committing an offence under paragraph 1. Art. 24 para. 2 of the Police Act shall apply mutatis mutandis.

VII. Transitional and final provisions Art.

156

Executive Order

The Government shall issue the ordinances necessary for the implementation of this Act and shall determine the jurisdiction of the Provincial Prison in the Schedule of Offices.

Art. 157

Repeal of previous law

Upon the entry into force of this Act, the Penal Execution Act of October 5, 1983, LGBl. 1983 No. 53, shall be repealed.

Art. 158

Entry into force

Subject to the unused expiry of the referendum period, this Act shall enter into force on 1 January 2008, otherwise on the day of promulgation.

IX. Road Traffic Act (SVG)

from 30 June 1978

I. Part General

provisions

Art. 1

Scope

1) This law regulates traffic on public roads, as well as liability and insurance for damage caused by motor vehicles, bicycles or vehicle-like devices.

2) The traffic regulations (Art. 24 ff) apply to drivers of motor vehicles and cyclists on all roads used by public traffic, and to other road users only on roads open to motor vehicles or bicycles in whole or to a limited extent.

Art. 2

Responsibilities

1) The government is

empowered:

a) To declare roads necessary for general through traffic open to motor vehicle and bicycle traffic with or without restrictions;

b) to issue driving bans, traffic restrictions and traffic orders for all roads in order to regulate traffic;

c) to issue temporary driving bans for all or individual types of motor vehicles;

d) Take measures for other types of vehicles and road users, unless they are necessary to regulate motor vehicle and bicycle traffic;

e) to restrict traffic on the mountain post roads;

f) to issue other restrictions or orders insofar as the protection of residents or persons equally affected from noise and air pollution, the safety, facilitation or regulation of traffic, the protection of the road or other reasons inherent in local conditions so require. For such reasons, traffic may be restricted and parking may be specially regulated, particularly in residential areas.

2) The government bans the use of heavy motor vehicles for freight transport at night and on Sundays and determines the exceptions.

3) In special cases, the National Police may take the necessary measures, namely temporarily restrict or divert traffic.

Art. 3

Traffic Obstacles

1) Obstacles to traffic shall not be created without compelling reasons; they shall be adequately marked and removed as soon as possible.

2) Anyone who needs to break up the road, use it for depositing materials or for similar purposes requires a permit from the Office of Civil Engineering and Geoinformation.

Art. 4

Signals and markings

1) Restrictions and orders for motor vehicle and bicycle traffic must be indicated by signals or markings unless they apply to the entire country.

2) Streets and squares that are obviously reserved for private use or special purposes do not require special marking.

3) In the area of roads open to motor vehicles or bicycles, only the signals and markings provided by the Government may be used and placed only by it or with its authorization.

Art. 5

Advertisements

In the area of roads open to motor vehicles or bicycles, advertisements and other announcements are prohibited that could cause confusion with signals or markings or otherwise impair road safety, in particular by distracting road users.

II. Part

Vehicles and drivers

1. Section Motor vehicles and their drivers

Art. 6

Motor vehicles

For the purposes of this Act, motor vehicle means any vehicle with its own propulsion by which it is moved on the ground, independently of rails.

Art. 7

Construction and equipment

1) The government issues regulations on the construction and equipment of motor vehicles and their trailers.

2) In doing so, it makes the arrangements that serve the safety of traffic and the prevention of noise, dust, smoke, odor and other harmful or annoying effects of vehicle operation.

Art. 8

Dimensions and weight

1) The government issues regulations on the dimensions and weights of motor vehicles and their trailers. In doing so, it shall take into account the interests of road safety, the economy, infrastructure and the environment, and shall take into account international regulations. It may, at the same time as setting the level of road traffic taxes, set the maximum permissible weight for vehicles or vehicle combinations at 40 t, or 44 t in the case of combined transport.

2) The government sets the axle load and an appropriate ratio between the engine power and the total weight of the vehicle or vehicle combination.

3) The government may provide for exceptions for motor vehicles and trailers in regular traffic and for such vehicles which, because of their special purpose, require unavoidably higher masses or weights. It shall define the conditions under which, in individual cases, unavoidable journeys by other vehicles with higher masses or weights may be authorized.

4) At the request of the vehicle owner, the permitted total weight of a motor vehicle or trailer may be changed, but no more than once a year or on the occasion of a change of owner. The weight guarantees of the vehicle manufacturer must not be exceeded.

5) Signalized restrictions on the width, height, weight and axle load of the vehicles are reserved in all cases.

Art. 9

ID cards

1) Motor vehicles and their trailers may only be put into circulation with a vehicle registration card and con- trol plates.

2) Anyone who drives a motor vehicle requires a driver's license, and anyone who undertakes learning journeys requires a learner's permit.

3) Retrieved

4) The identification cards must be carried at all times and presented to the control bodies upon request; the same applies to special permits.

Art. 10

Vehicle registration card

1) The government may only issue the vehicle pass if the vehicle complies with the regulations, is roadworthy and if the prescribed compulsory liability insurance is in place.

2) The vehicle registration card may be refused if the owner does not pay the motor vehicle taxes or fees for the vehicle. The vehicle pass for vehicles manufactured abroad may only be issued if it is proven that they have been cleared through customs or are exempt from customs clearance.

3) If a vehicle is transferred to another owner, a new vehicle registration document must be obtained.

Art. 11

Type approval

1) Series-produced motor vehicles and motor vehicle trailers are subject to type approval. The government may further subject to type approval:

a) Components and equipment for motor vehicles and bicycles;

b) Devices for other vehicles, as far as traffic safety requires;

c) Protective devices for the users of vehicles.

2) Vehicles and items subject to type approval may only be placed on the market in the approved version.

3) The Government may waive Liechtenstein type approval of motor vehicles and motor vehicle trailers if:

a) a foreign type approval is available which has been granted on the basis of equipment and test regulations equivalent to those applicable in Liechtenstein; and

b) the required data are available.

4) No Liechtenstein type approval is required for motor vehicles and motor vehicle trailers for which an EEA-compliant type approval is provided.

5) The government shall regulate the details by ordinance.

Art. 12

Vehicle inspection

1) Before issuing the pass, the vehicle must be officially inspected.

2) The government may provide for the waiver of individual testing of type-approved vehicles.

3) The vehicle can be inspected at any time; it must be retested if significant changes have been made to it or if there are doubts about its operational safety.

4) The government mandates regular re-testing for vehicles.

Art. 13

Fitness to drive and driving competence

1) Motor vehicle drivers must be fit and competent to drive.

2) A person is fit to drive if:

a) has reached the minimum age;

b) has the necessary physical and mental capacity to drive motor vehicles safely;

c) is free from an addiction that interferes with the safe driving of motor vehicles; and

d) has shown in the past that he/she is able to observe the regulations as a motor vehicle driver and to show consideration for other people.

3) Driving competence is possessed by those who:

a) knows the traffic rules; and

b) Can safely drive vehicles in the category for which the badge is valid.

Art. 13a

Learner's permit

1) The government issues the learner's permit if the applicant:

a) passes the theory test and thereby proves that he knows the traffic rules;

b) proves that he or she has the necessary physical and mental capacity to drive motor vehicles safely.

2) The proof according to paragraph 1 letter b must be provided:

a) by professional drivers of motor vehicles: by means of a medical certificate;

b) from the other drivers of motor vehicles: by an officially recognized eye test and by a self-declaration of their state of health.

Art. 14

Education and training of motor vehicle drivers

1) Learning rides on motor vehicles may only be undertaken with a companion who has reached the age of 23 and has held the corresponding driver's license for at least three years.

2) The attendant ensures that the learning journey is carried out safely and that the learner driver does not violate traffic regulations.

3) Anyone who gives driving lessons on a commercial basis requires a driving instructor's license.

4) The Government shall issue regulations on the training of motor vehicle drivers. It may prescribe that part of the training be given by a holder of a driving instructor's licence. The government may set the maximum tariff for compulsory driving instruction.

5) The government may issue regulations on the continuing education of motor vehicle drivers.

6) The government may require first aid training for applicants for a driver's license.

Art. 14a

Driver's license

The government issues the driver's license if the applicant:

a) has attended the prescribed training; and

b) has passed the practical driving test.

Art. 14b

Clarification of fitness to drive or driving competence

1) If there is any doubt about a person's fitness to drive, he or she will be subjected to a driving test.

2) Any physician may report to the government or the department of health a person who cannot safely drive motor vehicles because of physical or mental illness, infirmity, or addiction; he or she is released from professional secrecy with respect to such reports.

3) If there are doubts about a person's driving competence, he or she may be subjected to a test drive, a theory test, a practical driving test or any other appropriate measure such as initial or further training or retraining.

Art. 14c

Restriction period after driving without ID

Any person who has driven a motor vehicle without possessing a driver's license shall receive neither a learner's permit nor a driver's license for at least six months after the offence. If the person reaches the minimum age only after the offence, the ban period begins from that time.

Art. 15

Withdrawal of identity cards

1) Passes and permits are to be revoked by the government if it is established that the legal requirements for issuance do not or no longer exist; they may be revoked if the restrictions or conditions attached to their issuance are disregarded in individual cases.

2) The driver's license or learner's permit can be revoked if the driver has violated traffic regulations and thereby endangered traffic or inconvenienced others. In minor cases, a warning may be issued if no administrative measure has been taken within the previous two years. In particularly minor cases, a warning may also be waived.

3) The driver's license or learner's permit must be revoked if the driver:

a) has seriously endangered traffic,

b) has driven a motor vehicle while unfit to drive (Art. 29 Para. 2 and Art. 51 Para. 4),

c) has taken flight after injuring or killing a person,

d) has stolen a motor vehicle for use,

e) Does not strive or is not capable of performing without endangering or harassing others.

drive,

f) has used a motor vehicle for the commission of a felony or several times for intentional misdemeanors,

g) intentionally resisted or evaded a blood test or a preliminary examination regulated by the government (Art. 51), which was ordered or which he had to expect to be ordered, or an additional medical examination, or frustrated the purpose of these measures.

3a) In determining the duration of the suspension of the driver's license or learner's license, the circumstances of the individual case shall be taken into account, namely the risk to traffic safety, fault, reputation as a motor vehicle driver and the professional need to drive a motor vehicle. However, the minimum period of deprivation may not be less than this unless the penalty has been reduced in accordance with Art. 95 para. 4, third sentence.

4) The vehicle license may be revoked for a reasonable period of time:

a) if identity cards and control plates have been misused;

b) if and as long as the motor vehicle taxes or fees for vehicles of the same owner have not been paid.

Duration of the driver's license suspension

Art. 16

a) after an offence

1) A person's driver's license or learner's permit is revoked after an offense for:

a) at least one month;

b) at least two months if the driver has seriously endangered traffic;

b) at least three months, if the leader:

1. has driven a motor vehicle while unfit to drive; or

2. intentionally resisted or evaded a blood test or a preliminary examination regulated by the government (Art. 51), which was ordered or which he had to expect to be ordered, or an additional medical examination, or frustrated the purpose of these measures;

c) at least six months, if:

1. the driver has been driving a motor vehicle despite having his or her license revoked; or

2. the driver's licence must be withdrawn because of an offence under subparagraph (b) or which he or she committed within two years of the expiry of the last withdrawal of the licence

has;

d) at least one year, if the guide within five years since the expiry of an earlier withdrawal:

1. has driven a motor vehicle again in such a condition due to driving under the influence of alcohol, narcotics or drugs; or

2. for thwarting a measure to determine incapacity to drive (subparagraph (b)(2)) again intentionally thwarts such a measure.

1bis) Repealed

2) Retrieved

3) Retrieved

Art. 16a

b) in case of lack of fitness to drive

1) A person's driver's license or learner's license is revoked for an indefinite period of time if:

a) their physical and mental capacity is not or is no longer sufficient to drive a motor vehicle safely;

b) she suffers from an addiction that precludes her fitness to drive;

c) based on their previous behavior, they do not offer any guarantee that they will observe the regulations and show consideration for other people when driving a motor vehicle in the future.

2) If the withdrawal pursuant to para. 1 takes the place of a withdrawal pursuant to Art. 16, this shall be associated with a period of ineligibility which shall run until the expiry of the minimum period of ineligibility provided for the offence committed.

3) Incorrigible persons will have their ID card revoked forever.

Art. 16b

Reissuance of driver's licenses

1) A driver's license or learner's license that has been revoked for a longer period of time may be conditionally reinstated after a period of at least six months, subject to appropriate conditions, if the behavior of the person concerned shows that the administrative measure has served its purpose. The minimum period of withdrawal (Art. 16 para. 1 let. d) may not be undercut.

2) The driver's license or learner's permit that has been revoked for an indefinite period of time may be conditionally

and subject to conditions, if any statutory or imposed ban period has expired and the person concerned proves that the defect that prevented him/her from being fit to drive has been remedied.

3) A driver's license that has been revoked for good may be reinstated only under the conditions set forth in Art. 22.

4) If the person concerned fails to comply with the requirements or otherwise abuses the trust placed in him or her, the ID card shall be withdrawn again.

2. Section

Motorless vehicles and their drivers Art.

17

Bicycles

1) Bicycles must comply with the regulations.

2) The government issues regulations on the construction and equipment of bicycles and their trailers.

3) The government may order municipalities to conduct inspections of bicycles.

Art. 18

Cyclist

1) Children may ride bicycles on main roads before the age of six only under the supervision of a person at least 16 years old.

2) A person who suffers from a physical or mental illness or addiction that precludes safe cycling may not ride a bicycle. The government may prohibit such a person from riding a bicycle.

3) Similarly, the government may prohibit a bicyclist who has seriously or repeatedly endangered traffic or has ridden while intoxicated from riding a bicycle. The minimum duration of the ban is one month.

4) Bicyclists about whose suitability there are concerns may be subject to testing.

Art. 19

Other vehicles

On the roads open to motor vehicles, other vehicles may not be used if they are wider than 2.50 m with the load.

m. The government shall provide for exceptions, namely with regard to the needs of agriculture.

Art. 20

Carters

1) Anyone who has reached the age of fourteen may drive animal carts.

2) Any person suffering from a physical or mental illness or addiction that precludes the safe driving of a cart may not drive an animal cart. The government may prohibit such a person from driving an animal-drawn vehicle.

3. Section Common Provisions

Art. 21

Procedure

Refusal and withdrawal of a vehicle or driver's license, as well as a ban on riding a bicycle or driving an animal-drawn vehicle, must be ordered in writing and reasons must be given. Before a driver's license is revoked or a driving ban imposed, the person concerned must normally be heard.

Art. 22

Duration of the measures

If a measure directed against a driver has lasted five years, the government shall issue a new order upon request if it is shown to the satisfaction of the court that the conditions have ceased to exist.

Art. 23

Supplementation of the approval regulations

1) The Government may exempt the following types of vehicles and their trailers, as well as their drivers, in whole or in part from the provisions of this Law and, if necessary, establish supplementary regulations for them:

a) Bicycles with auxiliary motors, motorized handcarts and other vehicles of low engine power or speed, and those rarely used on public roads,

b) Agricultural tractors with limited speed and agricultural trailers,

c) Working machines and motorized carts.

2) The government shall issue regulations on:

a) Lights and reflectors of the motorless road vehicles,

b) foreign motor vehicles and bicycles and their drivers as well as international vehicle and driver's licenses,

c) the driving instructors and their vehicles,

d) ID cards and license plates, including short-term valid ones, for tested or untested motor vehicles and trailers as well as companies in the motor vehicle trade,

e) Marking of special vehicles,

f) Warning signals of fire department, ambulance and police vehicles as well as post office vehicles on mountain post roads,

g) Advertisements on motor vehicles,

h) Retrieved

i) devices for recording driving time, speed and the like; it prescribes such devices in particular for monitoring the working time of professional drivers of motor vehicles and, if necessary, for vehicles of persons who have been penalized for speeding.

3) The government establishes regulations on:

a) Minimum requirements that drivers of motor vehicles must meet in terms of physical and mental fitness,

b) Conducting vehicle and driver examinations,

c) Minimum requirements for the experts who perform the tests,

d) Renting motor vehicles to self-drivers,

e) Traffic instruction for motor vehicle drivers and cyclists who have repeatedly violated traffic rules,

f) The content and scope of the driver fitness examination and the procedure to be followed in cases of doubt,

g) Minimum requirements for persons conducting driving fitness examinations, for the examination procedure and for quality assurance.

3bis) The government may prescribe additional training for drivers who have held a driver's license for less than one year and who have violated a traffic rule in a manner that endangers traffic.

4) The government promotes the improvement of traffic safety, especially traffic education.

III. Part

traffic rules

Art. 24

Basic rule

1) Everyone must behave in traffic in such a way that he neither obstructs nor endangers others in the proper use of the road.

2) Special care should be taken with children, the infirm, and the elderly, as well as when there are signs that a road user will not behave properly.

1. Section

Rules for all road users Art. 25

Observe the signals, markings and instructions

1) Signals and markings as well as the instructions of the police must be followed. The signals and markings take precedence over the general rules, the instructions of the police over the general rules, signals and markings.

2) Fire department, ambulance, police and customs vehicles must be allowed to leave the road immediately upon hearing the special warning signals. Vehicles must be stopped if necessary.

Art. 26

Behavior in front of level crossings

In front of level crossings, the driver must stop when the barriers close or the signals stop and, in the absence of such signals, when railroad vehicles are approaching.

2. Section

Rules for driving traffic

a) General driving rules

Art. 27

Operational safety

Vehicles may only be used in a condition that is safe to operate and in accordance with regulations.

sweeping. They must be designed and maintained in such a way that the traffic regulations can be followed and that drivers, passengers and other road users are not endangered and the roads are not damaged.

Art. 28

Passenger, cargo, trailer

1) The driver may carry passengers on motor vehicles and bicycles only in the spaces provided for that purpose. The government may provide for exceptions; it shall issue regulations on the carriage of passengers by trailers.

2) Vehicles must not be overloaded. The load must be attached in such a way that it does not endanger or inconvenience anyone and cannot fall off. Excessive loads must be conspicuously marked by day and night.

3) For towing trailers and towing vehicles, motor vehicles may only be used if the towing force and brakes are sufficient and the towing device is safe to operate.

4) The Government shall issue regulations on the transportation of animals and dangerous, harmful or disgusting substances and objects.

Art. 29

Control of the vehicle

1) The driver must constantly control the vehicle in such a way that he/she can fulfill his/her precautionary duties.

2) Anyone who is under the influence of alcohol, narcotics or drugs, or for any other reason, does not have the required physical and mental capacity, is considered unfit to drive during this time and may not drive a vehicle.

2a) The government may prohibit the following groups of persons from driving under the influence of alcohol:

a) Persons who carry out licensed or international passenger transport by road (Art. 9 Para. 1 and Art. 10 Para. 1 of the Passenger Transport Act and Art. 4 Para. 1 of the Road Transport Act);

b) Persons who professionally transport passengers or goods with heavy motor vehicles or who transport dangerous goods;

c) Driving Instructors;

d) Holders of the learner's permit;

e) Persons accompanying learning journeys.

2b) The government shall determine the breath alcohol concentration and blood alcohol concentration above which driving under the influence of alcohol shall be deemed to exist.

3) The driver must ensure that he is not obstructed by the load or in any other way. Passengers must not obstruct or disturb him.

Art. 30

Speed

1) The speed must always be adapted to the circumstances, in particular to the particularities of the vehicle and the load as well as to the road, traffic and visibility conditions. Where the vehicle could interfere with traffic, it must be driven slowly and, if necessary, stopped, especially in places where it is difficult to see, in front of road junctions that are not clearly visible, and in front of railroad crossings.

2) In urban areas, the general speed limit on municipal roads is set at 30, 40 or 50 km/h upon request and in consultation with the respective municipality.

3) In the case of municipalities or centers without through traffic, the general or general maximum speed may also be set on rural roads in accordance with paragraph 2.

4) The government limits the speed of motor vehicles on all roads.

Art. 31

Duties towards pedestrians

1) Pedestrians shall be allowed to cross the roadway in a reasonable manner.

2) In front of pedestrian crossings, the driver must take special care and, if necessary, stop to give way to pedestrians who are already on the crossing or are about to enter it.

3) At public transport stops, consideration must be given to people getting on and off the bus.

b) Individual transport operations Art. 32

Driving on the right

1) Vehicles must drive on the right, on wide roads within the right half of the road. They must keep to the right-hand side of the road as far as possible, especially when driving slowly and on blind stretches.

2) On roads with safety lines, always drive to the right of these lines.

3) The driver who wants to change his driving direction, such as for turning, overtaking, lane changing, must take into account the oncoming traffic and the vehicles following him.

4) Keep a sufficient distance from all road users, especially when crossing and overtaking as well as when driving side by side and behind each other.

Art. 33

Crossing, overtaking

1) It is to cross on the right, overtake on the left.

2) Overtaking and passing obstacles is only permitted if the necessary space is clear and unobstructed and oncoming traffic is not hindered. In parallel traffic, overtaking is only permitted if you are sure that you can turn back in time and without obstructing other vehicles.

3) Anyone overtaking must show particular consideration for other road users, especially those they intend to overtake.

4) Overtaking is not permitted in blind curves, on and directly in front of railroad crossings without barriers and in front of hilltops. Overtaking on road junctions is only permitted if they are clear and the right of way of others is not impaired.

5) Vehicles may not be overtaken when the driver indicates the intention to turn left or when stopping in front of a pedestrian crossing to allow pedestrians to cross the road.

6) Vehicles that have lapped to turn left may only be overtaken on the right.

7) The road must be cleared for the speeding vehicle to overtake. The vehicle being overtaken must not increase its speed.

Art. 34

Lane in, right of way

1) Those who want to turn right must keep to the right side of the road, those who want to turn left must keep towards the middle of the road.

2) On road junctions, the vehicle coming from the right has the right of way. Vehicles on marked main roads have the right of way, even if they are coming from the left. The regulation by signals or by the police remains reserved.

3) Before turning left, give way to oncoming vehicles.

4) The driver who wants to insert his vehicle into the traffic, turn or reverse it, must not obstruct other road users; they have the right of way.

Art. 35

Stop, parking

1) The driver who wants to stop has to take care of the following vehicles if possible.

2) Vehicles must not be stopped or placed where they could obstruct or endanger traffic. They may have to be parked in parking spaces.

3) The driver must secure the vehicle appropriately before leaving it.

c) Safety precautions Art. 36

Signing

1) Any change of direction must be announced in good time with the direction indicator or by clear hand signals. This applies in particular to:

a) lane change and turning,

b) overtaking and turning,

c) the insertion of a vehicle into the traffic and the stopping at the roadside.

2) Signaling does not release the driver from the required visibility.

Art. 37

Warning signals

Where the safety of traffic requires it, the driver must warn other road users. Unnecessary and excessive warning signals must be avoided. Call signals with the warning device are prohibited.

Art. 38

Vehicle lighting

1) While driving, motor vehicles must be illuminated at all times, other vehicles only from the beginning of dusk until daylight and in poor visibility conditions.

2) Parked motor vehicles and multi-lane non-motorized vehicles must be illuminated from dusk until daylight and during poor visibility, except in parking lots or in areas with adequate street lighting.

2a) The government may provide for reflectors instead of lights in certain cases.

3) Vehicles must not carry red lights to the front and white lights or reflectors to the rear. The government may allow exceptions.

4) The lighting is to be handled in such a way that no one is unnecessarily dazzled.

Art. 39

Avoiding harassment

1) The driver of the vehicle must refrain from causing any avoidable nuisance to road users and residents, namely through noise, dust, smoke and odor, and avoid frightening animals as far as possible.

2) The operation of loudspeakers on motor vehicles is prohibited, except for messages to passengers. The government may permit exceptions in individual cases.

d) Rules for special road conditions Art. 40

Traffic separation

1) Trails that are not suitable or obviously not intended for use by motor vehicles or bicycles, such as footpaths and hiking trails, may not be used by such vehicles.

2) The sidewalk is reserved for pedestrians, the bike lane for cyclists. The government may provide for exceptions.

3) On roads reserved for motor vehicles, only the types of motor vehicles designated by the government may travel. Access is prohibited, and access is permitted only at the places designated for this purpose. The government may issue regulations on use and special traffic rules.

Art. 41

Lane, column traffic

1) On roads divided into several lanes for traffic moving in the same direction, the driver may leave his lane only if he does not thereby endanger other traffic.

2) The same applies mutatis mutandis if on wide roads without lanes, convoys of vehicles travel side by side in the same direction.

Art. 42

Steep roads, mountain roads

1) On roads with steep gradients and on mountain roads, drive in such a way that the brakes are not subjected to excessive stress. Where crossing is difficult, it is primarily the downhill vehicle that must stop in time. If crossing is not possible, the downhill vehicle must reverse, unless the other vehicle is obviously closer to a passing place.

2) The government may issue further regulations for mountain roads and provide for exceptions to the traffic rules.

e) Special types of vehicles Art. 43

Rules for cyclists

1) Cyclists must use the bike lanes and paths.

2) Cyclists are not allowed to ride side by side. The government may provide for exceptions.

3) Cyclists must not be pulled by vehicles or animals.

Art. 44

Rules for motorcyclists

1) Motorcyclists are not permitted to ride side by side unless it appears to be necessary when riding within a column of motor vehicles.

2) When traffic is stopped, motorcyclists shall maintain their place in the line of vehicles.

3. Section

Rules for other traffic Art. 45

Pedestrians

1) Pedestrians must use the sidewalks. Where there are no sidewalks, pedestrians must walk along the edge of the road and, if special hazards require it, one behind the other.

Unless there are special circumstances to the contrary, they must keep to the left-hand side of the road, especially out of town at night.

2) Pedestrians must cross the roadway carefully and by the shortest route, if possible on a pedestrian crossing. They have the right of way on this strip, but must not enter it by surprise.

Art. 46

Rider, animals

1) Riders must keep to the right side of the road.

2) Livestock may not be allowed on the road unattended except in signaled grazing areas.

3) Herds of cattle must be accompanied by the necessary drivers; the left side of the road must be kept clear of other traffic as far as possible. Individual animals are to be led along the right side of the road.

4) For their behavior in traffic, riders and animal handlers must observe the rules of the road traffic (lane, right of way, signaling, etc.) mutatis mutandis.

4. Section Behavior in case of accidents

Art. 47

1) If an accident occurs involving a motor vehicle or bicycle, all parties involved must stop immediately. They must ensure the safety of the traffic as far as possible.

2) If persons are injured, all parties involved must provide assistance, bystanders as far as they can reasonably be expected to do so. The parties involved, first and foremost the drivers of the vehicle, must notify the state police. All parties involved, including passengers, must cooperate in establishing the facts of the case. Without the consent of the state police, they may only leave the scene of the accident if they need help themselves or in order to summon help or the state police.

3) If only property damage has occurred, the person causing the damage shall immediately notify the injured party and give his name and address. If this is not possible, he must immediately notify the state police.

4) In case of accidents at level crossings, the parties involved shall immediately notify the railroad administration.

5. Section

Sporting events, test drives

Art. 48

Sporting events

1) Public circuit races with motor vehicles are prohibited. The government may permit individual exceptions or extend the prohibition to other types of motor vehicle races; in making its decision, it shall take into account, in particular, the requirements of road safety and road safety education.

2) Other motoring and cycling events on public roads, except for excursions, require a permit from the government.

3) The permit may be issued only if:

a) the organizers provide a guarantee of flawless execution,

b) the consideration of the traffic allows it,

c) the necessary safety measures are taken,

d) the mandatory liability insurance has been taken out.

4) The government may allow exceptions to traffic regulations if sufficient safety measures are taken.

Art. 49

Test drives

Test drives during which the traffic regulations or the regulations on vehicles cannot be observed require the approval of the government. The government shall order the necessary safety measures.

6. Section Implementing Rules

Art. 50

Traffic police

1) The control of traffic on public roads is the responsibility of the National Police, subject to the authority of the Municipal Police.

2) State Police:

a) provides assistance and traffic education, prevents violations, reports offenders and levies administrative fines in accordance with the Administrative Fines Act, subject to Art. 95 Para. 1a;

b) includes the facts of traffic accidents, which must be reported in accordance with Art. 47;

c) conducts regular traffic checks.

3) The Government shall regulate the details by ordinance. It may in connection

entrust other agencies with enforcement tasks related to customs control of vehicles and cargo.

Art. 50a

Special powers of the state police

1) The National Police may carry out the control of identity cards and permits:

a) on public roads: at any time;

b) outside public roads: to clarify violations and accidents that have a local and temporal connection to the inspection.

2) If the national police detect vehicles in traffic that are not registered, whose condition or load endanger traffic or which produce avoidable noise, they shall prevent the vehicle from continuing its journey. They may take away the vehicle registration document and, if necessary, seize the vehicle.

3) If a driver is in a condition that precludes the safe operation of the vehicle, or if he or she is not allowed to drive for any other legal reason, the national police shall prevent the driver from continuing to drive and shall take away the driver's license.

4) If a driver of a motor vehicle has proven to be particularly dangerous by grossly violating important traffic regulations or if he has wilfully caused avoidable noise, the national police may immediately take away his driver's license.

5) Identification cards confiscated by the National Police shall be immediately forwarded to the Government, which shall decide on their confiscation without delay. Until its decision is taken, the removal of an identity card by the state police shall have the effect of withdrawal.

6) If the National Police finds vehicles in circulation that do not comply with the provisions on the carriage of passengers or the authorization as a road transport company, it may prevent the vehicle from continuing its journey, take away the vehicle registration document and, if necessary, seize the vehicle.

Art. 51

Determination of the inability to drive

1) Drivers of vehicles and road users involved in accidents who show signs of impaired driving may be subject to a breath alcohol test and, insofar as

the signs of driving incapacity are not or not solely attributable to the influence of alcohol, are subjected to further preliminary tests, namely urine, saliva and sweat tests.

1a) Drivers of vehicles under Art. 29 par. 2a may be subjected to a breath alcohol test even without signs of driving incapacity.

2) A blood test must be ordered if:

a) Signs of driving incapacity are present;

b) there are indications that drivers of vehicles disregard the prohibition to drive under the influence of alcohol in accordance with Art. 29 Para. 2a.

3) The blood sample may also be taken against the will of the suspect for important reasons by order of the district court. Other means of evidence for determining the inability to drive are reserved.

4) Government:

a) defines the blood alcohol concentration at which driving incapacity within the meaning of this law is assumed, irrespective of further evidence and individual alcohol tolerance (drunkenness);

b) may determine for other substances that reduce the ability to drive, at which concentrations in the blood, irrespective of further evidence and individual tolerance, it shall be assumed that the person is incapable of driving within the meaning of this Act;

c) shall issue regulations on the preliminary examinations (para. 1), the procedure for the blood sample, the evaluation of this sample and the additional medical examination of the person suspected of driving incapacity;

d) may prescribe that samples obtained under this article, namely blood, hair and nail samples, be evaluated to determine an addiction that reduces a person's fitness to drive;

e) determines who is responsible for ordering the measures under paras. 1 and 2.

Art. 52

Working and rest time of professional drivers of motor vehicles

1) The government shall regulate the working and attendance hours of professional motor vehicle drivers. It shall ensure that they have sufficient daily rest and rest days so that their workload is no greater than that required by law for comparable activities. It shall ensure effective monitoring of compliance with these provisions.

2) The Government shall regulate the application of the provisions on working and rest time:

a) to professional drivers who carry out journeys abroad with Liechtenstein-registered motor vehicles,

b) to professional drivers who carry out journeys in the Principality of Liechtenstein with foreign-registered motor vehicles.

3) The government may prohibit the remuneration of professional drivers of motor vehicles from being calculated on the basis of the distance traveled or the quantity of goods transported.

Art. 53

Addition to the traffic rules

1) The government may issue further traffic regulations and provide for exceptions to the traffic regulations for special circumstances, namely for railroad roads.

2) It designates the main roads with right of way.

3) It issues regulations on:

a) Signing by the police and marking the traffic police,

b) the control of vehicles and their drivers at the national border.

4) Retrieved

5) The government may require that safety devices, such as safety harnesses and hard hats, be used.

7. Section

Disturbance of road traffic controls Art.

53a

1) Equipment and devices which impede, interfere with or render ineffective the official control of road traffic (e.g. radar warning devices) may not be placed on the market or acquired, nor may they be installed in, carried on or attached to vehicles or used in any other form.

2) Placing on the market is defined as manufacturing, importing, advertising, distributing, selling, and otherwise delivering and transferring.

3) The control bodies shall secure such devices and appliances. The court

orders their confiscation and destruction.

IV. Liability and insurance part

1. Liability section

Art. 54

Liability of the owner of the motor vehicle

1) If a person is killed or injured or property damage is caused by the operation of a motor vehicle, the owner is liable for the damage.

2) If a traffic accident is caused by a motor vehicle that is not in operation, the owner shall be liable if the injured party proves that the owner or persons for whom he is responsible are at fault or that defective condition of the motor vehicle contributed.

3) The owner shall also be liable, at the discretion of the judge, for damages resulting from the rendering of assistance after accidents involving his motor vehicle, provided that he is liable for the accident or the assistance was rendered to him or to the occupants of his vehicle.

4) The owner shall be responsible for the fault of the driver and the cooperation of the auxiliary persons as for his own fault.

Art. 55

Reduction or exclusion of keeper liability

1) The owner shall be released from liability if he proves that the accident was caused by force majeure or gross negligence on the part of the injured party or a third party, without any fault on his part or on the part of persons for whom he is responsible, and without defective condition of the vehicle contributing to the accident.

2) If the keeper, who is not exempted under subsection 1, proves that fault on the part of the injured party contributed to the accident, the judge shall determine the liability for compensation, taking into account all the circumstances.

3) According to the provisions of the ABGB determines:

a) liability in the relationship between the keeper and the owner of a vehicle for damage to that vehicle,

b) the liability of the keeper for damage to property transported in his vehicle, except for objects carried by the injured party, namely luggage and the like, subject to the following provisions

about postal traffic.

Art. 56

Multiple violators

1) If, in the event of an accident involving a motor vehicle, several persons are liable to pay compensation for the damage suffered by a third party, they shall be jointly and severally liable.

2) The damage shall be apportioned among the liable parties involved, taking into account all the circumstances. Several owners of motor vehicles shall bear the damage in proportion to the fault for which they are responsible, unless special circumstances, in particular the operating risks, justify a different apportionment.

Art. 57

Compensation between motor vehicle owners

1) If, in the event of an accident involving several motor vehicles, one owner is physically injured, the damage shall be borne by the owners of all the motor vehicles involved in proportion to the fault for which they are responsible, unless special circumstances, in particular the operating hazards, justify a different apportionment.

2) For property damage caused by a keeper, another keeper is liable only if the injured party proves that the damage was caused by fault or temporary loss of judgment of the defendant keeper or a person for whom he is responsible, or by defective condition of his vehicle.

3) Several holders liable for compensation shall be jointly and severally liable to the injured holder.

Art. 58

Damages,Satisfaction

1) The nature and extent of damages and the award of compensation shall be governed by the provisions of the ABGB.

2) If the person killed or injured had an unusually high income, the court may reasonably reduce the compensation, taking into account all the circumstances.

3) Payments made to the injured party under a private insurance policy, the premiums of which have been paid in whole or in part by the owner, shall be credited against his liability to pay compensation in proportion to his premium contribution, unless the insurance contract provides otherwise.

2. Insurance section

Art. 59

Compulsory insurance

1) No motor vehicle shall be placed in public use until liability insurance has been obtained in accordance with the following provisions.

2) The insurance covers the liability of the owner and the persons for whom he is responsible under this law, at least in those states in which the Liechtenstein license plate is valid as proof of insurance.

3) From the insurance can be excluded:

a) Claims of the holder arising from property damage caused by persons for whom he is responsible under this Act;

b) Claims arising from damage to property by the holder's spouse or registered partner, relatives in the ascending and descending lines and siblings living in the same household as the holder;

c) Claims arising from property damage for which the holder is not liable under this Act;

d) Claims arising from accidents at races for which the insurance prescribed by Art. 68 exists.

Art. 60

Minimum insurance

The government determines the amounts that must be covered by liability insurance as compensation claims by injured parties arising from bodily injury and property damage.

Art. 61

Direct claim against the insurer, defenses

1) The injured party has a right of claim directly against the insurer under the contractual insurance coverage.

2) Defences arising from the insurance contract or from the Insurance Contract Act cannot be raised against the injured party.

3) The insurer has a right of recourse against the policyholder or the insured insofar as it would be authorized to refuse or reduce its benefits under the insurance contract or the Insurance Contract Act.

Art. 62

Several injured parties

1) If the claims due to the injured parties exceed the contractual insurance coverage, the claim of each injured party against the Insurer shall be reduced in proportion to the insurance coverage to the sum of the claims.

2) The injured party who is the first to sue and the defendant insurer may have the other injured parties summoned by the court seized with reference to the legal consequences to file their claims with the same court within a certain period of time. The court seized of the case shall decide on the distribution of the insurance benefit among the several claims. When distributing the insurance benefit, the claims filed within the time limit shall be covered in advance, irrespective of the others.

3) If the Insurer has made a payment in good faith to an injured party that exceeds the latter's proportionate share in ignorance of other claims, the Insurer shall also be indemnified to the extent of its payment to the other injured parties.

Art. 63

Change of owner, replacement vehicles

1) In the event of a change of owner, the rights and obligations arising from the insurance contract are transferred to the new owner. If the new vehicle registration document is issued on the basis of a different liability insurance, the old contract expires.

2) The previous insurer is entitled to withdraw from the contract within 14 days of becoming aware of the change of owner.

3) If the owner uses a replacement vehicle of the same category instead of the insured vehicle and with its con- trol plates, the insurance shall apply exclusively to this vehicle.

4) A replacement vehicle may only be used with the permission of the government. If it is used for more than 30 days, the owner must notify the insurer. If he fails to do so or if the government authorization for the use of the replacement vehicle has not been obtained, the insurer has recourse.

Art. 64

Proof of insurance, suspension and cessation of insurance

1) The insurer shall issue a certificate of insurance for the attention of the government delivering the vehicle registration certificate.

2) Suspension and cessation of insurance must be reported by the insurer to the government and, unless the insurance has previously been replaced by another, shall not take effect vis-à-vis injured parties until the vehicle registration document and the control plates have been surrendered, but no later than 60 days after receipt of the insurer's notification. The government shall confiscate the vehicle registration card and control plates as soon as the notification is received.

3) If the license plates are deposited with the government, the insurance is suspended. The government shall notify the insurer thereof.

4) Provisions according to which the insurance lapses if the vehicle is registered in another contracting state to the EEA Agreement are null and void.

Art. 64a

Certificate of the claims history and freedom from claims

The insurer shall issue to the policyholder, at the policyholder's request, certificates on the claims history or on the absence of claims. The government shall determine the details by decree.

3. Section Special cases

Art. 65

Motor vehicle trailers; towed motor vehicles

1) The owner of the towing motor vehicle is liable for damage caused by a trailer or a towed motor vehicle; the provisions on liability for motor vehicles apply mutatis mutandis. If the towed motor vehicle is driven by a driver, its owner is jointly and severally liable with the owner of the towing vehicle.

2) The insurance of the towing vehicle also covers liability for damage caused:

a) from the trailer;

b) from the towed motor vehicle that is not driven by a driver;

c) from the towed motor vehicle driven by a driver and not insured.

3) Trailers for the transport of passengers may be placed on the market only if supplementary insurance on the trailer guarantees the minimum insurance of the whole train established by the government in accordance with Art. 60.

4) The liability of the owner of the towing vehicle for physical damage to passengers on trailers as well as the liability for damage between the towing vehicle and the towed motor vehicle shall be governed by this law. For material damage to the trailer, the owner of the towing vehicle is liable according to the provisions of the ABGB.

Art. 66

Bicycles

Cyclists are liable according to the provisions of the ABGB.

Art. 67

Companies in the motor vehicle industry

1) An entrepreneur in the motor vehicle business is liable like a keeper for the damage caused by a motor vehicle used by him or her for the purpose of

storage, repair, maintenance, for conversion or for similar purposes. The owner and his liability insurer are not liable.

2) These entrepreneurs, as well as those who manufacture or trade in motor vehicles, must take out liability insurance for all their own motor vehicles and those handed over to them. The provisions on owner's insurance apply mutatis mutandis.

Art. 68

Race

1) The provisions of this article apply to motor and cycling events where the evaluation is mainly based on the speed achieved or where an average speed of more than 50 km/h is required. They also apply when the track is closed to other traffic. The government may include other events.

2) The organizers are liable for the damage caused by the participants' vehicles or accompanying vehicles or other vehicles used in the service of the event in analogous application of the provisions on the liability of motor vehicle owners.

3) Liability for damage to racers and their passengers and to vehicles used in the service of the event is not governed by this law.

4) To cover the liability of the organizers, participants and auxiliary persons towards third parties, such as spectators, other road users and residents, the following shall apply

to take out insurance. The government shall determine the minimum coverage according to the circumstances; in the case of races with motor vehicles, however, the minimum coverage may not be less than that required for ordinary insurance. Articles 61 and 62 shall apply mutatis mutandis.

5) If, in the case of a race not authorized by the authorities, damage has to be covered by the ordinary insurance of the motor vehicle causing the damage, the cyclist causing the damage or his private liability insurance, the insurer or the cyclist shall have recourse against the liable parties who knew or could have known with due diligence that special insurance for the race was lacking.

Art. 69

Motor vehicles and bicycles of the state

1) As the owner of motor vehicles, the state is subject to the liability provisions of this law, but not to the insurance obligation. In addition, motor vehicles for which the state assumes the coverage obligation like an insurer are exempt from the insurance obligation.

2) Retrieved

3) The State shall settle claims for damage caused by motor vehicles, trailers and bicycles for which it is liable in accordance with the provisions applicable to liability insurance. It shall notify the information center (Art. 75a) of the body responsible for settling claims.

Art. 70

NationalInsuranceOffice

1) The insurance companies licensed to operate motor vehicle liability insurance in Liechtenstein jointly form and operate the National Insurance Office, which has its own legal personality.

2) The National Insurance Office has the following responsibilities:

a) it covers liability for damage caused by foreign motor vehicles and trailers in Liechtenstein, insofar as there is an insurance obligation under this law;

b) it operates the information center pursuant to Art. 75a;

c) it coordinates the conclusion of border insurance policies for motor vehicles entering Liechtenstein that do not have the required insurance coverage.

3) Government regulates:

a) the obligation to take out frontier insurance;

b) Coordination of social security benefits with the National Insurance Office's claims services.

4) It may exclude or limit interim injunctions to secure claims for compensation for damage caused by foreign motor vehicles or trailers.

Art. 71

Tramp rides

1) Anyone who steals a motor vehicle for use is liable in the same way as the owner. The driver who knew at the beginning of the journey or who could have known with due diligence that the vehicle had been stolen for use is also liable. The owner is jointly liable, except vis-à-vis users of the vehicle who were aware of the theft for use at the start of the journey or could have been aware of it if they had been paying due attention.

2) The owner and his liability insurer shall have recourse against the persons who stole the motor vehicle and against the driver who was aware of the theft for use at the start of the journey or who could have been aware of it if he had exercised due diligence.

3) The insurer may not charge the owner financially if the owner is not at fault for the loss.

Art. 72

National Guarantee Fund

1) The insurance companies licensed to operate motor vehicle liability insurance in Liechtenstein jointly form and operate the National Guarantee Fund, which has its own legal personality.

2) The National Guarantee Fund has the following tasks:

a) it covers liability for damage caused in Liechtenstein by:

1. unidentified or uninsured motor vehicles and trailers to the extent that insurance is compulsory under this Act;

2. Cyclists or users of vehicle-like devices, if the damaging party cannot be identified or the damage is not covered by the damaging party or by a liability insurance or by a person responsible for him or by a similar insurance;

b) it covers liability for damage caused by motor vehicles and trailers registered in Liechtenstein if insolvency proceedings have been opened against the liable liability insurer or have not been opened due to a lack of assets to cover costs;

c) it operates the compensation office in accordance with Art. 75d;

d) it covers recourse claims by foreign guarantee funds arising from payments made by these funds for damage caused abroad by Liechtenstein motor vehicles or trailers that are not subject to compulsory insurance under this Act.

3) Government regulates:

a) the tasks of the National Guarantee Fund under para. 2;

b) a deductible of the injured party for property damage.

4) In the case of Paragraph 2(a), the obligation of the National Guarantee Fund to pay benefits shall cease to the extent that the injured party can claim benefits from a damage insurance or a social insurance.

5) The Government may, in the case of subsection 2(a):

a) obligate the National Guarantee Fund to pay in advance if the tortfeasor has no liability insurance that is liable to pay or if the lack of such insurance is disputed;

b) limit or cancel the obligation of the National Guarantee Fund to pay benefits to foreign claimants residing abroad in the absence of reciprocity.

6) Upon payment of the compensation to the injured party, the National Guarantee Fund shall be subrogated to the rights of the injured party for the similar items of damage covered by it.

Art. 72a

Financing, implementation

1) The owner of a motor vehicle shall pay a contribution each year according to the type of risk insured, which is intended to cover the expenses pursuant to Articles 70, 72, 75a and 75d.

2) The National Insurance Office and the National Guarantee Fund determine these contributions; they are subject to approval by the Government.

3) The motor vehicle liability insurers collect these contributions at the same time as the premium.

4) The state is exempt from the obligation to contribute.

5) The government regulates the basis for calculating the contribution and its approval.

Art. 72b

Common Provisions for the National Insurance Office and the National Ga- ranty Fund.

1) Injured parties have a right of claim directly against the National Insurance Office and the National Guarantee Fund.

2) The National Insurance Office and the National Guarantee Fund are under the supervision of the government.

3) Persons who perform tasks of the National Insurance Office and the National Guarantee Fund or supervise their execution are bound to secrecy vis-à-vis third parties. In order to perform the tasks assigned to them, they are authorized to process or have processed the personal data required for this purpose, including special categories of personal data.

4) The National Insurance Office and the National Guarantee Fund may:

a) entrust their members or third parties with the performance of the tasks incumbent upon them and designate a managing insurer;

b) conclude agreements with other national insurance bureaus and national guarantee funds, as well as with foreign bodies performing similar tasks, for the facilitation of cross-border traffic and for the protection of traffic victims in cross-border traffic.

5) The Government shall issue regulations on the duties and powers of the National Insurance Office and the National Guarantee Fund:

a) Claims coverage at home and abroad;

b) Promotion and development of insurance coverage and traffic victim protection in cross-border traffic.

Art. 73

Uninsured vehicles

1) Does the government issue vehicle registration cards and license plates for motor vehicles without having the required insurance,

the State shall be liable, within the limits of the minimum insurance required by law, for the damage for which the owners of the motor vehicles are responsible. It shall be liable in the same way if it fails to return the vehicle registration document and licence plates within 60 days.

after the notification of the insurer within the meaning of Art. 64 or after the notification of the keeper about the permanent removal of a vehicle from circulation.

2) The state or its insurer has recourse against the holder who did not have a good faith belief that he was covered by the required insurance.

Art. 74

Repealed

Art. 75

Repealed

Art. 75a

Information center

1) The information center shall provide authorized persons, in particular injured parties and involved social security and liability insurers, with the necessary information to enable them to assert claims for damages.

2) It keeps a register of police reports on accidents involving a person residing abroad or a vehicle registered abroad.

3) Government:

a) determines which information is to be provided;

b) may oblige authorities and private persons to provide the required data to the information center;

c) regulates the inspection of the register of police reports;

d) may issue restrictive or supplementary provisions to the list of police reports.

Art. 75b

Claims Representative

1) Insurance undertakings admitted to operate motor vehicle liability insurance in Liechtenstein are obliged to appoint a claims representative in every other state of the European Economic Area. They shall communicate the name and address of the claims representative to the information offices of these states and to the information office pursuant to Art. 75a.

2) The government may require insurance companies under subsection (1) to appoint claims representatives in additional states.

3) Claims representatives are natural or legal persons who represent insurance undertakings domiciled in another state in their state of operation. They process and settle, in accordance with the provisions of Art. 75c, liability claims brought by injured parties domiciled in their State of operation against the insurance undertaking they represent.

4) You must:

a) be domiciled in their state of operation;

b) have sufficient authority to represent the insurance company vis-à-vis injured parties and to satisfy their claims for damages in full;

c) be able to handle the cases in the official language(s) of their operating states.

5) They may act on behalf of one or more insurance companies.

Art. 75c

Claims settlement

1) The insurance undertakings authorized to operate motor vehicle liability insurance in Liechtenstein, the claims representatives operating in Liechtenstein, the State for its vehicles that are not insured, as well as the National Insurance Office and the National Guarantee Fund, shall notify claims against them within three months:

a) to submit a reasoned offer of compensation, provided that the liability is undisputed and the damage has been quantified;

b) provide a reasoned response to the submissions made with the claim for damages, if liability is disputed or not clearly established or the damage has not been fully quantified.

2) The three-month period shall commence for the claims specifically asserted with the claim for damages upon receipt of the claim for damages by the body approached by the injured party.

3) After expiry of the three-month period, the obligation to pay default interest shall commence. Further claims of the injured party remain reserved.

Art. 75d

Compensation Office

1) Injured parties domiciled in Liechtenstein can assert their liability claims with the compensation office of the National Guarantee Fund if:

a) the body approached for claims settlement has not fulfilled its obligations under Art. 75c;

b) the liable foreign liability insurer in Liechtenstein has not appointed a claims representative;

c) they have been injured in a foreign country whose national insurance bureau has joined the green card system by a motor vehicle that cannot be identified or whose insurer cannot be identified within two months.

2) No claims against the compensation body exist if the injured person:

a) has initiated legal proceedings in Germany or abroad to enforce its claims for compensation; or

b) has addressed a claim for damages directly to the foreign insurer and the latter has provided a reasoned response within three months.

4. Section

Relationship to other insurers Art. 76

Mandatory accident insurance

Injured parties who are insured under the Accident Insurance Act shall retain their rights under this Act, subject to Art. 44 of the Accident Insurance Act.

5. Section Common Provisions

Art. 77

Insurer

1) The insurance policies required by this law must be taken out with an insurance company licensed to do business in the Principality of Liechtenstein.

2) Reserved:

a) the recognition of insurance policies taken out abroad for foreign vehicles; and

b) deviating provisions issued by the government for provisionally im- matriculated vehicles.

Art. 78

Limitation

1) Claims for damages and compensation arising from accidents with motor vehicles, bicycles and vehicle-like equipment shall become statute-barred two years after the day on which the injured party became aware of the damage and of the person liable to pay compensation, but in any case ten years after the day of the accident. If the claim is based on a criminal act for which the Criminal Code provides a longer limitation period, this shall also apply to the civil claim.

2) The interruption of the limitation period with respect to the liable parties shall also have effect with respect to the insurer and vice versa.

3) The right of recourse among liable parties arising from an accident involving motor vehicles, bicycles and vehicle-like equipment and the other rights of recourse provided for in this Act shall be barred by the statute of limitations after two years from the date on which the underlying service was rendered in full and the liable party was known.

4) In all other respects, the provisions of the ABGB shall apply.

Art. 79

Jurisdiction

The Princely Regional Court in Vaduz is competent for actions arising from liability claims. Art. 80 remains unaffected by this provision.

Art. 80

Accidents abroad

1) For actions for damages arising from accidents with motor vehicles, bicycles or vehicle-like equipment abroad, the place of jurisdiction shall be both the place of the accident and the place of residence of the defendant at the time the action is brought; Art. 79 of this Act shall not apply.

2) If a motor vehicle, bicycle or vehicle-like device bearing valid Liechtenstein license plates causes an accident abroad, the Liechtenstein court shall apply the liability and insurance provisions of this law to claims:

a) from the damage suffered by persons who were transported by such a motor vehicle against payment and who started or wanted to finish the journey in the Principality of Liechtenstein;

b) of injured parties who were resident in the Principality of Liech- tenstein at the time of the accident.

Art. 81

Evaluation of evidence

In disputes concerning claims arising from accidents involving motor vehicles, bicycles and vehicle-like equipment, the court shall assess the facts in accordance with the principle of free appraisal of evidence.

Art. 82

Agreements

1) Agreements that waive or limit liability under this Act shall be null and void.

2) Agreements that set obviously inadequate compensation may be contested within one year of their conclusion.

Art. 83

Conditions of recourse

If an injured party's loss is not fully covered by insurance benefits, insurers may only assert their rights of recourse against the liable party or its liability insurer insofar as this does not put the injured party at a disadvantage.

Art. 84

Supplementary provisions on liability and insurance

1) The Government may exempt from the provisions of this Part, in whole or in part, motor vehicles of low engine power or speed and those seldom used on public roads.

2) It shall issue the necessary regulations on insurance for dealer plates, exchange plates and in similar cases.

V. Part Penal

provisions

Art. 85

Violation of traffic rules

1) Any person who violates the traffic regulations of this Act or of the ordinances issued on the basis of this Act shall be punished by a fine of up to 5,000 francs or, in the event of non-compliance, by imprisonment for up to one month.

2) Any person who, by gross violation of traffic regulations, causes or accepts a serious danger to the safety of others, shall be

punishable by a fine of up to 20,000 Swiss francs or, in the event of non-collection, by a custodial sentence of up to three months.

Art. 86

Driving while unfit to drive and disregarding the prohibition against driving under the influence of alcohol

1) Any person who drives a motor vehicle while unfit to drive shall be liable to a fine of up to 50,000 Swiss francs for an infringement, and in the event of non-compliance to a custodial sentence of up to six months.

2) Whoever commits an infringement shall be liable to a fine of up to 20,000 francs or, in the event of non-collection, to imprisonment for a term of up to three months:

a) disregards the prohibition to drive under the influence of alcohol, unless the act is punishable under subsection 1;

b) drives a motorless vehicle in an unroadworthy condition.

Art. 86a

Thwarting measures to determine incapacity to drive

1) Any person who, as a driver of a motor vehicle, wilfully resists or evades a blood test or a preliminary examination regulated by the government (Art. 51), which has been ordered or which he should have expected to be ordered, or an additional medical examination, or frustrates the purpose of these measures, shall be punished for an infringement by a fine of up to 50,000 francs, and in the case of non-compliance by imprisonment for up to six months.

2) If the offender was driving a motorless vehicle or was involved in an accident as a road user, he shall be punished for the violation by a fine of up to 20,000 francs, or in the case of non-collection by imprisonment for up to three months.

Art. 87

Conduct in breach of duty in the event of an accident

1) Any person who, in the event of an accident, fails to comply with the obligations imposed on him by this Act shall be liable to a fine of up to 20,000 francs and, in the event of non-compliance, to a custodial sentence of up to three months.

2) If a driver of a vehicle who has killed or injured a person in a traffic accident takes flight, he shall be punished by imprisonment for a term not exceeding three years for a misdemeanor.

Art. 88

Vehicles that are not safe to operate

1) Anyone who impairs the operational safety of a vehicle so as to create the risk of an accident shall be punished for an infringement by a fine of up to 50,000 francs, and in the event of non-collection by imprisonment for up to six months.

2) Any person who drives a vehicle of which he knows or can know with due diligence that it does not comply with the regulations shall be punished for an infringement by a fine of up to 20,000 francs, or in the case of non-compliance by a custodial sentence of up to three months.

3) The owner or whoever is responsible for the operational safety of a vehicle in the same way as an owner shall be subject to the threat of punishment under subsection 2 if he knowingly or through carelessness tolerates the use of the vehicle that does not comply with the regulations.

1) Retrieved

Art. 89

Stealing for use

2) Any person who uses a motor vehicle entrusted to him or her for journeys for which he or she is obviously not authorized shall be punished for an infringement by a fine of up to 5,000 francs, and in the event of non-collection by imprisonment for up to one month.

3) Any person who uses a bicycle without authorization is liable to a fine of up to 5,000 Swiss francs for an infringement, and in the event of non-compliance to a custodial sentence of up to one month.

Art. 90

Driving without authorization

1) Whoever commits an infringement shall be liable to a fine of up to 20,000 francs or, in the event of non-collection, to imprisonment for a term of up to three months:

a) drives a motor vehicle without the required driver's license;

b) drives a motor vehicle even though his learner's permit or driver's license has been suspended, revoked or withdrawn;

c) disregards the restrictions or requirements associated with the driver's license in an individual case;

d) entrusts a motor vehicle to a driver whom he knows or can know, if he pays due attention, that he does not have the required license;

e) performs learner's driving without a learner's permit or without the prescribed escort;

f) takes over the task of an escort during a learning trip without fulfilling the prerequisites;

g) gives driving lessons on a commercial basis without a driving instructor's license.

2) Retrieved

3) Any person who rides a bicycle although he has been prohibited from riding it shall be punished by a fine of up to 5,000 Swiss francs for an infraction, and by imprisonment of up to one month in the case of non-compliance.

4) Any person who drives an animal-drawn vehicle although he has been forbidden to drive an animal-drawn vehicle shall be liable to a fine of up to 5,000 Swiss francs for an infringement, and to a custodial sentence of up to one month if the infringement is not recoverable.

Art. 91

Driving without a vehicle license, permit or liability insurance

1) Whoever commits an infringement shall be liable to a fine of up to 20,000 francs or, in the event of non-collection, to imprisonment for a term of up to three months:

a) drives a motor vehicle or carries a trailer without the required vehicle registration document or license plates;

b) without a permit, carries out journeys that require a permit under this Act;

c) disregards the restrictions or conditions attached to the vehicle registration document or the permit by law or in individual cases, in particular with regard to the permissible total weight.

2) Anyone who drives a motor vehicle although he knows or could have known with due diligence that the prescribed liability insurance does not exist shall be punished for an infringement by a fine of up to 50,000 francs, or in the case of non-collection by imprisonment for up to six months.

3) The owner or whoever is in control of the vehicle in his place shall be subject to the same penalties if he was aware of the infringements or could have been aware of them if he had paid due attention.

Art. 92

Misuse of ID cards and signs

1) Whoever commits an infringement shall be punished by a fine of up to 50,000 francs or, in the event of non-collection, by imprisonment for a term of up to six months:

a) Uses identification cards and license plates that are not intended for him or his vehicle;

b) fails to surrender invalid or revoked identity cards or license plates despite official requests to do so;

c) gives others badges or control plates for use that are not intended for them or their vehicles;

d) intentionally obtains a pass or permit by providing false information, concealing material facts or submitting false certificates;

e) Falsifies control plates or manufactures false ones for use;

f) used false or falsified control plates;

g) intentionally misappropriates control plates in order to use them or make them available to others for use.

2) Retrieved

Art. 93

Signals and markings

Whoever commits an infringement shall be liable to a fine of up to 20,000 francs or, in the event of non-collection, to imprisonment for a term of up to three months:

a) intentionally moves or damages a signal;

b) intentionally removes, makes illegible or alters a signal or marking;

c) does not report unintentional damage to a signal to the local police;

d) places a signal or marker without official authorization.

Art. 94

FurtherAviolations

1) Whoever commits an infringement shall be punished by a fine of up to 5,000 francs or, in the event of non-collection, by up to one month's imprisonment:

a) places vehicles, components or equipment subject to type approval on the market in an unapproved version;

b) as the owner, after taking over a motor vehicle or motor vehicle trailer from another owner, fails to obtain a new vehicle registration document in due time;

c) as the driver of the vehicle, does not carry the required identity documents or permits;

d) refuses to show the required identification or permits to the police authorities upon request.

e) Retrieved

f) Retrieved

2) Whoever commits an infringement shall be punished by a fine of up to 20,000 francs or, in the event of non-collection, by imprisonment for a term of up to three months:

a) mimics the special warning signals of the fire department, ambulance, police, customs or mountain post;

b) presumes to use license plates of the traffic police;

c) unauthorized use of loudspeakers on motor vehicles;

d) unauthorized motor or bicycle sporting events or test driving.

The organizer is responsible for the safety of the event if it is not carried out or if the required safety measures are not taken at authorized events of this kind;

e) Equipment or devices which may impede, interfere with or render ineffective the official control of road traffic, in

The manufacturer is not responsible for any damage or injury caused by the use of the product.

Art. 95

Criminal liability

1) If this law does not expressly provide otherwise, the negligent act shall also be punishable.

1a) If the fault is minor and the consequences of a violation are insignificant, the act shall not be punishable. Under the same conditions, the provincial and municipal police may refrain from imposing an administrative fine or from issuing a report; in such cases, they may draw the attention of the offender to the unlawfulness of his conduct in an appropriate manner.

2) The employer or supervisor who has caused the driver of a motor vehicle to commit an act punishable under this Act or who has failed to prevent such act to the best of his or her ability shall be subject to the same penalty as the driver.

3) The accompanying person is responsible for punishable acts arising from learning drives if he or she has violated the duties incumbent upon him or her as a result of taking over the accompaniment. The learner driver is responsible insofar as he could have avoided an infringement according to the state of his training.

4) If the driver of a fire-fighting, ambulance, police or customs vehicle disregards traffic regulations or special traffic orders during an urgent or tactically necessary official journey, he or she is not liable to prosecution if he or she exercises all due care required by the circumstances. On urgent official journeys, the disregard is not punishable only if the driver also gives the necessary warning signals; the giving of the warning signals is exceptionally not necessary if it is contrary to the fulfillment of the legal task. If the driver has not exercised the care required by the circumstances or has not given the required warning signals on urgent official journeys, the penalty may be mitigated.

Art. 96

Relationship to other criminal laws

1) The general provisions of the Criminal Code shall apply unless this Act contains provisions to the contrary.

2) The special provisions of the Criminal Code remain reserved; Art. IX para. 1 of the Criminal Code Adjustment Act is not applicable.

Art. 97

Supplementary penal provisions, prosecution, penal control

1) Violation of regulations issued in ordinances relating to this Act shall be punishable by a fine of up to 20,000 francs, or in the event of non-collection, by imprisonment for up to three months. The Government is authorized to determine the competent penal authority by ordinance.

1a) The government may, for the purpose of implementing international obligations, decree that violations of the regulations on working, driving and rest periods for drivers of motor vehicles committed abroad are punishable as an offence under paragraph 1.

2) The government may issue regulations on penalty control for decisions that are not entered in the criminal record.

VI. Part

Implementing and final provisions Art.

98

Criminal authorities and procedures

1) Criminal authorities are the government and the ordinary courts in accordance with the following provisions:

a) The Government shall be the penal authority for violations of this Act to the extent that:

(aa) bicyclists, (bb) pedestrians,

cc) Animal carts,

dd) Riders and animals, ee) Repealed

ff) violations of the regulations concerning parking and stopping of motor vehicles, prohibition of driving motor vehicles and carrying of the identification documents or permits.

If an offence under the Criminal Code or an offence that falls within the jurisdiction of the ordinary courts under subparagraph (b) is also committed, the ordinary courts shall also be the criminal justice authority for offences under subparagraphs (aa) to (ff). The ordinary courts shall also be the criminal justice authority for offences under subparagraphs (aa) to (ff) if, in the case of traffic accidents, the various road users involved have committed offences under subparagraphs (aa) to (ff) in addition to those under the Criminal Code or under subparagraph (b).

b) The ordinary courts shall be criminal authorities in all other cases not mentioned in subparagraph (a).

2) Criminal proceedings shall be conducted before the ordinary courts in accordance with the provisions of the Code of Criminal Procedure and before the government in accordance with the provisions of the LVG on administrative criminal proceedings.

3) The Government is authorized to issue administrative penalty notices (Art. 147 LVG) by decree to the National Police and the heads of municipalities for the purpose of criminal prosecution as defined in para. 1 let. a.

3a) In the event that the National Police or the head of the municipality are commissioned to issue administrative penalty notices pursuant to paragraph 3, the Appeals Commission for Administrative Matters shall be responsible for handling appeals against administrative penalty notices or administrative penalty decisions issued by the National Police or the head of the municipality.

4) The imposition of administrative fines in a simplified procedure remains reserved.

Art. 99

Implementation of the law

1) The Government is charged with the implementation of this Law. It shall issue the necessary implementing ordinances.

2) The Government may, by ordinance, delegate the duties and powers conferred upon it by this Act to subordinate agencies.

It may also delegate the issuance of permits for street advertising and of exceptional permits for driving on roads subject to a driving ban to the heads of the communes.

2a) In the event of delegation of tasks pursuant to para. 2, the Appeals Commission for Administrative Matters shall be responsible for the handling of appeals against orders or decisions of the offices or heads of municipalities. The appeal period shall be 14 days from the date of service of the order or decision.

3) The Government may, in the event of the occurrence of new technical phenomena in the field of road traffic and for the implementation of intergovernmental agreements, take such provisional measures as may prove necessary pending the adoption of legal regulations.

4) The Government may, in respect of persons enjoying diplomatic privileges and immunities, derogate from the jurisdiction of the authorities and provide for such further exceptions to this Act as may result from the customs of international law.

5) Retrieved

6) The Government may prohibit, impose quotas on, make subject to authorization or impose other restrictions on the journeys of foreign vehicles if a foreign State imposes such measures on Liechtenstein vehicles and their drivers or applies stricter traffic regulations to them than to its own vehicles and their drivers.

7) Retrieved

8) The government may make the performance of certain work on vehicles, insofar as this is required for road safety or environmental protection, subject to a licensing requirement. It shall determine the licensing requirements and regulate supervision.

9) Retrieved

10) Retrieved

Art. 99a

Messages

The national police and the criminal authorities shall notify the competent authority of all offences that could result in a measure provided for in this Act.

Art. 99b

Vehicle and vehicle owner register

1) The Road Traffic Office maintains a vehicle and vehicle owner register and processes the following data for this purpose:

a) vehicles currently or previously registered in Liechtenstein;

b) Names, dates of birth, addresses and home countries/cities of the vehicle owners as well as information on their liability insurance.

2) The registry serves to fulfill the following statutory tasks:

a) Control of traffic registration, vehicle inspection, vehicle insurance, customs clearance and taxation according to the law of September 14, 1994 on motor vehicle tax;

b) Identification of the holder, traffic victim protection and tracing.

3) The following bodies can inspect the register by means of a retrieval procedure:

a) the police bodies of the state and the municipalities in the necessary data for

the control of the traffic registration, the identification of the keeper and his or her safe- keeper, and, in the case of the state police, the tracing of the vehicle;

b) the Office of National Economy to check and reconcile vehicle and vehicle owner data in connection with the register of road transport entrepreneurs and the performance of tasks under the Road Transport Act;

c) the tax administration in the data necessary to control the information provided by taxpayers in their tax returns.

3bis) The National Insurance Office and the National Guarantee Fund may inspect the register entries at the Road Transport Office to the extent necessary for the performance of their duties. Within the scope of the provisions of this Act, they are authorized to pass on data from the register to third parties.

4) The Office of Road Traffic must provide the names of vehicle owners and their insurers to a person who can demonstrate a sufficient interest.

Art. 99c

Administrative Measures Register

1) The Office of Road Traffic maintains a register of administrative measures and, for this purpose, processes the data of all administrative measures imposed by Liechtenstein authorities or ordered by foreign authorities against persons domiciled in Liechtenstein, namely:

a) Refusal and withdrawal of identity cards and permits;

b) Driving ban;

c) De-recognition of Liechtenstein driver's licenses by foreign authorities;

d) Revocation of foreign driver's licenses;

e) Warning;

f) traffic psychochological and medical examinations;

g) Circulation;

h) new driver's test;

i) Participation in traffic classes for remedial training;

(k) repeal or modification of measures under subparagraphs (a) to (i).

2) The registry serves to fulfill the following statutory tasks:

a) Issuance of learner's and driver's licenses and instructor permits;

b) Conducting administrative and criminal proceedings against drivers of vehicles;

c) Preparation of statistics of administrative measures.

3) In the context of proceedings for the assessment of road traffic violations, the law enforcement and judicial authorities may inspect the register entries at the Road Traffic Office.

Art. 99d

Driving authorization register

1) The Office of Road Traffic maintains a driving authorization register and processes the following data for this purpose:

a) driving permits issued by Liechtenstein or foreign authorities to persons domiciled in Liechtenstein;

b) the current driver's licenses, refusals, revocations and driving bans ordered by Liechtenstein authorities;

c) the current driver's license revocations, refusals, withdrawals and driving bans imposed by foreign authorities on persons residing in Liechtenstein and on persons holding a Liechtenstein learner's or driver's license;

d) Names, dates of birth, addresses and home states/cities of driving instructors residing in Liechtenstein;

e) Date and result of medical examinations for admission of persons to road traffic.

2) The registry serves to fulfill the following statutory tasks:

a) Issuance of learner's and driver's licenses and instructor permits;

b) Preparation of the statistics of driving authorizations.

3) The following authorities can request information about registration entries from the Road Traffic Office:

a) law enforcement and judicial authorities in proceedings for the adjudication of road traffic violations;

b) the police authorities regarding the data required for the control of driving authorizations.

Art. 99e

Executive Order

The Government shall regulate the details concerning the keeping and use of the registers pursuant to Articles 99b to 99d, in particular:

a) the responsibility for data processing;

b) the catalog of data to be collected and their retention periods;

c) the reporting procedure;

d) the correction of data;

e) the organization and operation of an automated data system;

f) the cooperation of the authorities concerned;

g) the authorities to whom data may be disclosed in individual cases;

h) data security.

Art. 99f

Treaties under international law

1) The Government may conclude treaties with foreign states on cross-border motor vehicle traffic. Within the framework of such treaties, it may:

a) waive the exchange of the driver's license when changing residence across national borders;

b) provide for permits for journeys by Liechtenstein and foreign vehicles that exceed the weights specified in Art. 8; it shall grant the permits only in exceptional cases and to the extent permitted by the interests of traffic safety and environmental protection.

2) The Government may conclude international treaties on the construction and equipment of vehicles, the equipment of vehicle users and the mutual recognition of related tests.

3) The government may conclude treaties with foreign states on the mutual exchange of vehicle owner, driving authorization and motor vehicle data as well as the enforcement of fines or penalties for violations of road traffic regulations. The treaties may provide for non-enforceable fines or penalties to be converted into custodial sentences.

4) The Government may conclude agreements with Switzerland on participation in the maintenance and use of automated Swiss registers comparable to those in Articles 99b to 99d or concerning vehicle types and tachograph cards, subject to the provisions on data protection.

5) The Government may conclude agreements with foreign states on the performance of the functions of the National Insurance Office and the National Guarantee Fund.

Art. 100

Fees

The Government is authorized to regulate the levying of fees by ordinance.

Art. 101

Suspension

Upon the entry into force of this Act, the following shall be repealed:

a) the Road Traffic Act of 22 December 1959, LGBl. 1960 No. 3,

b) the Act of July 24, 1963, amending the Road Traffic Act, LGBl. 1963 No. 30,

c) the Act of 27 September 1972 on the amendment of the Road Traffic Act, LGBl. 1972 No. 53,

d) the Act of 11 December 1975 on the amendment of the Road Traffic Act, LGBl. 1975 No. 65.

Art. 102

Entry into force

This Act shall enter into force on September 1, 1978.

X. Redemption Act (TilgG)

from July 2, 1974

on criminal records and expungement of judicial convictions Art. 1

Register Authority

1) A criminal record is kept for the purpose of keeping records of criminal convictions.

2) The district court is responsible for keeping the criminal record through a single judge.

3) The criminal record can be kept electronically.

Art. 2

Subject of inclusion in the criminal record

1) The criminal record shall include:

1. all final convictions by domestic criminal courts for felonies or misdemeanors, as well as all preventive measures involving deprivation of liberty pronounced by domestic criminal courts, in the case of pronouncement of placement in an institution for mentally abnormal lawbreakers, including the indication,

whether the placement has been ordered in accordance with Section 21 (1) or (2) of the Criminal Code;

2. all final convictions of Liechtenstein nationals and persons domiciled or habitually resident in Liechtenstein by foreign criminal courts, insofar as they were pronounced for an offense which is also punishable as a felony or misdemeanor under domestic law, as well as all preventive measures pronounced by foreign criminal courts involving deprivation of liberty which correspond to a corresponding domestic measure ordered by the criminal court;

3. all final convictions by foreign criminal courts which Liechtenstein has undertaken to notify to each other in international agreements;

4. all resolutions of the Reigning Prince and decisions of domestic courts relating to any of the convictions referred to in items 1 to 3 above:

a) the subsequent assessment of a penalty;

b) the subsequent appointment of a probation officer or the revocation of probation;

c) the pardon of the convicted person, the mitigation, commutation or re-sentencing of a sentence;

d) the extension of a probationary period;

e) the revocation of a conditional leniency or of the conditional leniency of a preventive measure involving deprivation of liberty;

f) the definitive leniency of a sentence or a preventive measure associated with deprivation of liberty;

g) the waiver of the execution of a custodial sentence;

h) conditional release from a custodial sentence, conditional release from a preventive measure involving deprivation of liberty or that the dangerousness against which the measure is directed no longer exists (Section 24 (2) StGB);

i) revocation of conditional release from a custodial sentence or conditional release in the case of a preventive measure;

j) the final dismissal;

k) the reversal or modification of a conviction or subsequent decision;

l) the final waiver of the imposition of a penalty;

m) The expungement of a conviction;

n) a pronouncement on the exclusion of the right to vote pursuant to Section 352a of the Code of Criminal Procedure.

5. all notifications relating to any of the convictions referred to in subsections 1 to 3 above as to when all sentences of imprisonment, fines (penalties for forfeiture and for value confiscation) and preventive measures involving deprivation of liberty imposed in a conviction have been executed, are deemed to have been executed, have been reviewed or may no longer be executed;

6. all decisions, orders and notifications of foreign bodies relating to convictions entered in the criminal record by foreign criminal courts, which are equivalent to the resolutions, decisions and notifications referred to in items 4 and 5.

2) A conviction within the meaning of subsection 1(1) shall be any finding that, on account of an act to be tried by the courts in accordance with the Code of Criminal Procedure under domestic law, a person has been convicted in a court of law in an offence which is in conformity with the principles of Article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms, LGBl. 1982

No. 60, a penalty or a preventive measure involving deprivation of liberty is imposed on a person or a conviction is handed down. The same applies mutatis mutandis to a foreign conviction pursuant to par. 1 nos. 2 and 3.

Art. 3

Content of the registration

To be entered:

a) First name and surname, all previous names, date and place of birth, marital status, occupation, first names of parents, nationality and place of residence and address of the person to whom the criminal record refers;

b) Authority file number;

c) Date of the decision of the first and higher instance and the legal force;

d) Designation of the criminal act;

e) Penalties, secondary penalties and legal consequences;

f) in the case of conditional suspension of a sentence and in the case of waiver of the imposition of a sentence, the duration and end of the probationary period.

Art. 4

Notifications to the criminal register

For the purpose of registration, the criminal records authority shall be notified in writing of all decisions, findings, and facts that give rise to a registration under this Act and to the correction, amendment, modification, or deletion of a registration.

Art. 5

Notifications from the criminal records authority

1) If the criminal records authority becomes aware of a decision, finding or fact that may give rise to official action, the authority responsible for such action, in particular the public prosecutor's office, shall be notified thereof in writing.

2) In particular, new convictions of a person in respect of whom a conditional deferred sentence or a waiver of the imposition of a sentence has been entered or whose sentence has been conditionally suspended, even if they are not to be entered in accordance with Art. 2, shall be reported within the meaning of para. 1.

3) The exclusion from the right to vote pursuant to Art. 2 para. 1 item 4 subpara. n shall be subject to the penal

register authority to the competent municipality. Likewise, the restoration of the right to vote must be reported by the criminal records authority to the competent municipality.

4) Upon request, the criminal records authority shall provide the government with a list of all persons who are excluded from the right to vote.

Art. 6

Legal protection against inclusion in the criminal record

1) Any person to whom an entry in the criminal record relates may request a determination that the entry in the criminal record was made incorrectly or was inadmissible.

2) The application shall be filed with the district court, which shall decide thereon.

3) If an application under paragraph 1 is granted in whole or in part, the criminal record shall be corrected.

Art. 7

Criminal record information

1) Subject to the provisions of Article 9 paragraph 4, the criminal records authority shall provide all domestic authorities and agencies with information from the criminal records upon request.

2) The same applies to information provided to foreign authorities and departments on the basis of international agreements.

3) Entitled to inspect the criminal record through a retrieval procedure are:

a) the public prosecutor's office to perform its duties in proceedings pending before it or the courts;

b) the state police to perform their duties under Art. 9, para. 1.

4) In the case of the inspection of data of the criminal record within the scope of a retrieval procedure by the state police, a link within the meaning of Art. 34b para. 5 of the Police Act is not permissible.

Art. 8

Criminal record certificate

1) Every person who has reached the age of 14 shall be issued, at his or her request or at the request of his or her legal representative, a certificate on the entries in the criminal record concerning him or her and to be communicated in accordance with Art. 9 par. 4, or on the fact that the criminal record does not contain any entries concerning him or her.

Entry about them contains (criminal record certificate).

2) The application shall be rejected if the applicant is unable to identify himself/herself. The application must also be rejected if the applicant is wanted for arrest, detention or for the purpose of determining his or her whereabouts.

3) The delivery of the criminal record certificate to a person other than the applicant or the applicant's legal representative is not permitted without the applicant's written consent.

4) Where statutory provisions refer to certificates of good conduct, certificates of morals or certificates of good conduct, the certificates of criminal records referred to in paragraph 1 shall take their place.

Art. 9

LimitedCriminalRecordNotice

1) Even prior to expungement, information on convictions from the criminal record may only be disclosed without restriction if the conditions specified in paragraphs 2 and 3 are met:

a) the courts, the public prosecutor's office and the state police for the purpose of judicial criminal or accommodation proceedings against the convicted person or against someone suspected of being involved in the same criminal act;

b) the courts and the public prosecutor's office in a clemency proceeding of the convict involving a criminal case or a conviction by the criminal courts;

c) the authorities entrusted with the enforcement of the Weapons Act;

d) of the National Police for the purpose of cooperation in the implementation of the trade law provision on the security trade;

e) the Financial Market Authority for the purpose of supervision and enforcement of the laws pursuant to Art. 5 of the Financial Market Supervision Act;

f) the Office of National Economy for the purpose of supervision and enforcement of the Gaming Act and the Trade Act.

2) The restriction under para. 1 shall take effect immediately when the judgment becomes final,

a) if the imposition of a penalty has been waived;

b) if the extent of a custodial sentence or, in the case of the imposition of a monetary penalty, the extent of the alternative custodial sentence does not exceed one month; or

c) if placement in an institution for mentally abnormal lawbreakers is requested in accordance with

§ Section 21 (1) of the Criminal Code has been recognized.

3) The restriction according to para. 1 only comes into effect when two years of the redemption period (Art. 10 and 11) have already elapsed and

a) the extent of a custodial sentence or, if a monetary penalty is imposed, the extent of the alternative custodial sentence does not exceed three months, or

b) if the sentence has been conditionally suspended, as long as the conditional suspension has not been revoked, or

c) if the conviction was for juvenile offenses only and a fine was imposed or the extent of the imprisonment does not exceed one year.

4) If information on convictions is restricted, it may not be included in a criminal record report (Art. 7) or in a criminal record certificate (Art. 8) or made visible in any other way except for the purposes specified in paragraph 1.

5) The convicted person is not obliged to declare the convictions outside the proceedings referred to in par. 1.

6) If a person has been convicted more than once, the provisions of paras. 1 to 4 shall apply only if the requirements of paras. 2 and 3 are met for each of the convictions.

7) Judgments in which placement in an institution for mentally abnormal lawbreakers pursuant to Section 21 (1) of the Criminal Code has been determined shall be subject to the restriction of information even if information on other convictions is to be provided without restriction.

Art. 10

Expungement of convictions

1) The extinction of judicial convictions, unless excluded (Art. 12), occurs by operation of law upon expiration of the extinction period.

2) The expiration of a conviction shall extinguish all adverse consequences which, by operation of law, attach to the conviction, except to the extent that such consequences consist in the loss of special rights based on election, conferral, or appointment.

3) Rights of third persons based on the conviction shall not be affected by the expungement.

4) A conviction that has been expunged by operation of law may not be included in a criminal record information (Art. 7) or in a criminal record certificate (Art. 8), nor may it be otherwise

be made apparent in any way.

Art. 11

Redemption periods

1) If someone has been convicted only once, the redemption period is:

a) three years if he has been sentenced only to a fine or only for juvenile offenses;

b) five years if he has been sentenced to a term of imprisonment of not more than one year;

c) ten years if he has been sentenced to a term of imprisonment of more than one year and not more than three years;

d) 15 years, if he has been sentenced to a term of imprisonment of more than three years or if his placement in an institution for mentally abnormal lawbreakers has been ordered in accordance with Section 21 (1) of the Criminal Code.

2) If a person is finally convicted before one or more convictions have been expunged, all convictions shall be expunged together. In this case, the redemption period shall be determined on the basis of the sum of the sentences imposed in all convictions not yet remitted in accordance with subsection 1. It must at least exceed the individual term determined in accordance with para. 1, which would end at the latest, by as many years as there are convictions which have become final and have not yet been redeemed. The last conviction that has become final shall be counted.

3) Convictions which are in relation to each other under Section 31 of the Criminal Code shall not be considered as separate convictions for the purposes of redemption. The redemption period shall be determined on the basis of the sum of the sentences imposed in accordance with subsection 1. The same shall apply to convictions for the same offence in Germany and abroad.

4) The redemption period shall commence as soon as all custodial or financial penalties and preventive measures involving deprivation of liberty have been executed, are deemed to have been executed, have been reviewed or may no longer be executed. If no custodial sentence or fine has been imposed, or if the custodial sentences or fines imposed have been served in full by offsetting any previous imprisonment, and if no preventive measure involving deprivation of liberty has been ordered, the time limit shall commence when the sentence becomes final.

5) If the execution of the sentence is omitted due to the crediting of a previous imprisonment or due to the waiver of punishment, the redemption period shall commence when the sentence becomes final.

6) Preventive measures and punishments other than imprisonment or fines have no influence on the extent of the redemption periods. The redemption of the order for placement in an institution for the mentally ill shall be subject to the

abnormal lawbreakers pursuant to Section 21 (1) of the Criminal Code occurs regardless of whether other convictions exist.

Art. 11a

Expungement of convictions for sexual offenses

1) In the event of a conviction for a criminal offense under the

§§ Sections 200, 201, 204, 205, 206, 208 and 219 of the Criminal Code to an unconditional custodial sentence or in the case of an order for placement pursuant to Section 21 (1) of the Criminal Code for such an offense, the redemption period shall be extended (Art.

11) around the simple.

2) In the event of a conviction for another criminal act specified in Section 10 of the Special Part of the Criminal Code to an unconditional custodial sentence or in the event of an order for placement pursuant to Section 21 para. 1 of the Criminal Code for such an act, the redemption period (Art. 11) shall be extended by half.

3) At the request of the convicted person, the sentencing court shall examine whether, taking into account all the circumstances, in particular the personality of the offender and his development, the extension of the period of redemption in accordance with paragraph 1 or 2 should be terminated. Such an application shall be admissible at the earliest after expiry of the eradication period pursuant to Art. 11. If the application is rejected, a new application shall be admissible only after the expiry of five years from the date on which the decision becomes final.

Art. 12

IndelibleConvictions

1) Life sentences are not expunged and also preclude expungement of all other sentences.

2) A conviction for a criminal offense specified in Section 10 of the Special Part of the Criminal Code and sentenced to a term of imprisonment of more than five years shall not be expunged. At the request of the convicted person, the recognizing court shall consider whether, taking into account all the circumstances, in particular the per- sonality of the offender and his development, erasability should be pronounced. Such a request is admissible at the earliest fifteen years after the beginning of the eradication period (Article 11). If the application is rejected, a new application shall be admissible only after the expiry of five years from the date on which the decision becomes final.

Art. 13

Order of expungement of expunged convictions

1) The regional court shall order the deletion of a conviction by operation of law (Article 10) from the criminal record by a single judge and notify the public prosecutor's office thereof.

2) Any person who claims that his conviction has been expunged by operation of law may apply for the order referred to in subsection (1). The single judge of the Regional Court shall decide on this application by order.

3) Decisions issued pursuant to paras. 1 and 2 may be appealed to the Supreme Court on the grounds of unlawfulness.

Art. 14

Final provisions

1) This Act is declared nonurgent and shall take effect on September 1, 1974.

2) As of that date, all legislation in conflict with this Act shall cease to have effect.

3) In particular, Articles 9, 15 to 18 and 31 item 4 of the Act of June 1, 1922, on the Amendment of the Criminal Law, the Code of Criminal Procedure and its Supplementary and Ancillary Acts, LGBl. 1922 No. 21, shall be repealed.

4) Article 33(2) of the Youth Protection and Welfare Act of 23 December 1958, LGBl. 1959 No. 8, shall be replaced by the following:

2) Press coverage and disclosure of names and verdict are not permitted.

5) The third paragraph of Article 6 of the Act of 27 September 1972 on the Simplified Procedure for Violations of Road Traffic Regulations, LGBl. 1972 No. 52, shall be added:

3) The prior convictions shall be deemed to have been deleted by operation of law upon expiry of two years. Articles 11 and 14(6) of the Criminal Records and Expungement of Convictions Act apply mutatis mutandis.

6) Unless expungement has already been granted or has occurred by operation of law, all convictions by domestic or foreign criminal courts shall be deemed expunged upon the effective date of this Act, provided that they are

a) before August 31, 1959, and not punishable by death or life imprisonment.

imprisonment or

b) occurred before August 31, 1964, and do not exceed a three-year term of imprisonment.

XI. Weapons Act (WaffG)

from 17 September 2008

on weapons, weapon accessories and ammunition

I. General provisions

A. Subject matter, scope and terms

Art. 1

Purpose and object

1) The purpose of this law is to combat the misuse of weapons, weapon components, weapon accessories, ammunition and ammunition components.

2) In particular, it regulates the acquisition, keeping, possession, carrying, transportation, brokering, manufacture of and trade in:

a) Weapons, essential or specially designed weapon components and weapon accessories;

b) Ammunition and ammunition components.

Art. 2

Scope

1) This law does not apply to:

a) the state police;

b) Persons with respect to those weapons, essential or specially designed weapon components, weapon accessories, ammunition and ammunition components that:

1. are assigned to them as service weapons by virtue of their public office or service by their superior authority or department;

2. form the subject matter of their public office or public service.

2) For antique weapons, only Art. 4 para. 2 let. c, Art. 20 in connection with Art. 12 para. 3, Art. 38, 39 and 47 as well as the corresponding penal provisions of this law apply.

3) The provisions of the hunting legislation and the Swiss legal provisions applicable in Liechtenstein on the basis of the customs treaty, in particular the Swiss legislation on war material, goods control and weapons, remain reserved.

Art. 3

Terms and designations

1) For the purposes of this Act shall be deemed to include:

a) "Weapons:

1. Devices capable of delivering projectiles by propelling charge and which can be carried and operated by a single person, or articles which can be converted into such devices (firearms);

2. Equipment intended to cause permanent damage to human health by spraying or atomizing substances;

3. Knives whose blade can be extended with a one-handed automatic mechanism, butterfly knives, throwing knives, and daggers with symmetrical blades;

4. Devices designed to injure people, namely brass knuckles, knuckle dusters, batons, throwing stars and slingshots;

5. Electroshock devices that can affect people's resistance or cause permanent damage to their health;

6. Compressed air and CO2 weapons that develop a muzzle energy of at least 7.5 joules, or can be mistaken for real firearms due to their appearance;

7. Imitation, alarm and soft-air weapons that can be mistaken for real firearms because of their appearance;

b) "Weapon Accessories:

1. Silencers and their specially designed components;

2. Laser and night vision sights and their specially designed components;

3. Grenade launchers designed as an accessory to a firearm; b) "High capacity loading devices" means loading devices for

semi-automatic centerfire weapons that have a capacity:

1. for handguns: of more than 20 cartridges;

2. for long firearms: of more than 10 cartridges;

c) "Ammunition" means shooting material containing a propelling charge whose energy is transferred to a projectile by ignition in a firearm;

d) "antique weapons" means firearms manufactured before 1870 and cutting, stabbing, and other weapons manufactured before 1900;

e) "Shooting range" means any fixed or mobile facility that is used exclusively to.

or, in addition to other purposes, is used for shooting sports or other shooting exercises with firearms or compressed air and CO2 weapons, the testing of such weapons or the shooting with such weapons for amusement;

f) "Museum" means a permanent institution that serves society and its development, is open to the public, and acquires, preserves, researches, and exhibits firearms, their essential components, or ammunition for historical, cultural, scientific, technical, educational, heritage, or entertainment purposes;

g) "Collector" means any natural or legal person engaged in the collection and preservation of firearms, their essential components or ammunition for historical, cultural, scientific, technical, educational or heritage purposes.

2) The government determines which items are considered essential or specially designed components of weapons or weapon accessories.

3) It describes the compressed air, CO2, imitation, alarm, signal and soft-air weapons, knives, daggers, stun guns, devices according to para. 1 let. a item 2 and slingshots that are considered weapons.

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

B. General prohibitions and restrictions Art. 4

Prohibitions in connection with weapons, weapon components and weapon accessories

1) Prohibited are the transfer, acquisition, possession, and conveyance to recipients within the country of:

a) Serial firearms and serial firearms converted to semi-automatic firearms, as well as their essential and specially designed components;

a) semi-automatic centerfire weapons equipped with a high-capacity loading device;

b) Long firearms that can be shortened to a length of less than 60 cm by means of a folding or telescopic stock or without auxiliary means, without this resulting in a loss of function;

c) shotguns (shotguns) with fore-end repeating system ("pump guns");

d) shotguns (shotguns) with an overall length of less than 90 cm or with a barrel length of less than 45 cm;

e) military launchers of ammunition, projectiles or missiles with explosive effect and their essential components;

f) knives and daggers according to Art. 3 para. 1 let. a item 3;

g) striking and throwing devices according to Art. 3 Para. 1 Letter a No. 4, with the exception of striking sticks;

h) Stun guns according to Art. 3 para. 1 let. a item 5;

i) Weapons pretending to be an object of use, as well as their essential components;

k) Weapon accessories.

2) Prohibited shooting with:

a) Serial firearms;

b) launchers according to par. 1 letter e and art. 3 par. 1 letter b item 3;

c) Firearms in publicly accessible places outside of officially authorized shooting ranges; however, shooting in non-publicly accessible and appropriately secured places and hunting shooting are permitted.

3) The state police may grant exceptions.

4) Retrieved

Art. 5

Prohibitions and restrictions related to ammunition

1) The government can prohibit the acquisition, possession and manufacture of ammunition and ammunition components that have a proven high injury potential or make them dependent on the fulfillment of special requirements.

2) Ammunition and ammunition components used in normal shooting events or for hunting are excluded.

Art. 6

Restrictions in favor of public safety

The government shall, by regulation, prohibit the manufacture, transfer, acquisition, conveyance, possession and carrying of:

a) new types of weapons, essential and specially designed weapons components, weapons accessories, ammunition or ammunition components that could pose a threat to public safety due to their nature, effect or mode of action;

b) Weapons, essential and specially designed weapon components, weapon accessories, ammunition or ammunition components that for any other reason are

could pose a novel threat to public safety.

Art. 7

Inheritance or legacy

1) If the estate of a deceased person includes weapons, essential and specially designed weapon components or weapon accessories that are prohibited under Art. 4 Para. 1, the person in whose care the items are located at the time of inheritance must notify the national police within a period of two months. If necessary, the police shall have these objects seized or issue the orders required for their safekeeping.

2) Persons who acquire objects pursuant to para. 1 upon death must apply for an exemption within a period of six months from the date on which the probate proceedings are legally concluded, unless the objects are transferred to an entitled person within this period.

3) Persons entrusted by the provincial police with the safekeeping of objects pursuant to para. 1 do not require an exemption permit until six months after the final conclusion of the probate proceedings.

Art. 8

Official confirmation

1) Persons residing abroad may be granted an exemption for the acquisition of a weapon, an essential or specially designed weapon component or a weapon accessory pursuant to Art. 4 Para. 1 only if they present an official confirmation from their country of residence stating that they are entitled to acquire the item in question.

2) Foreign nationals who do not have a permanent residence permit in Liechtenstein may only be granted an exemption for the acquisition of a weapon, an essential or specially designed weapon component or a weapon accessory pursuant to Art. 4 Para. 1 if they submit an official confirmation from their home country stating that they are entitled to acquire the item in question there.

Art. 9

Prohibition for nationals of certain states

1) The government may prohibit the acquisition, possession, offering, brokering, and transfer of weapons, essential or specially designed weapon components, weapon accessories, ammunition, and ammunition components, and the

Prohibit carrying and shooting of weapons by nationals of certain states:

a) if there is a significant risk of misuse;

b) to take into account decisions of the international community or the principles of Liechtenstein foreign policy.

2) The National Police may, on an exceptional basis, authorize the acquisition, possession, carrying or shooting of firearms by persons referred to in paragraph 1 who are participating in hunting or sporting events or who are engaged in the protection of persons and property.

Art. 10

Implementation

1) Persons affected by a ban under Article 9(1) must report weapons, significant or specially designed weapon components, weapon accessories, ammuni- tion or ammunition components to the National Police within two months of the ban coming into force.

2) They may submit an application for the granting of an exemption within six months of the ban coming into force. Otherwise, the items must be transferred to an authorized person within this period.

3) If the application is rejected, the items must be transferred to an authorized person within four months of the rejection; otherwise they are seized by the national police.

Art. 11

Prohibited forms of offering

1) Weapons, essential or specially designed weapon components, weapon accessories, ammunition or ammunition components may not be offered if the identification of the supplier is not possible for the competent authorities.

2) The offering of weapons, essential or specially designed weapon components, weapon accessories, ammunition or ammunition components at publicly accessible exhibitions and markets is prohibited. This does not apply to registered sellers at authorized public arms exchanges.

II. Acquisition and possession of weapons and essential weapon components

A. Acquisition of Weapons and Essential Weapon Components Art. 12

Weapons acquisition license obligation

1) Anyone wishing to acquire a weapon or an essential weapon component requires a weapon acquisition certificate issued by the state police.

2) The person applying for the firearm acquisition license for a firearm not for sporting, hunting or collecting purposes must specify the reason for acquisition.

3) No firearms acquisition license shall be issued to persons who:

a) have not yet reached the age of 18;

b) Retrieved

c) are alcoholics or addicts;

d) are mentally ill or mentally disabled;

e) give reason to believe that they endanger themselves or third parties with the weapon;

f) have been convicted by a court of law of a crime or of any other punishable act manifesting a violent or dangerous disposition, shall be deemed to have been executed or may no longer be executed for a period of five years from the date on which the sentence is executed; if the Act on the Criminal Register and the Expungement of Judicial Convictions provides for a longer expungement period, the latter shall apply;

g) have been prosecuted for an offence involving violence or public endangerment and have been convicted of a criminal offence in

The prosecution shall be terminated for a period of three years from the date on which the prosecution was finally withdrawn. The court shall be entitled to dismiss the prosecution for a period of three years from the date on which the prosecution was finally dismissed;

h) have been convicted of injuring or endangering persons through the negligent use of weapons, shall be deemed to have been executed or may no longer be executed for a period of three years from the date on which the sentence is executed;

i) have been convicted by final judgment of repeated misdemeanors or felonies under this Act, as long as the entry in the criminal record has not been expunged;

k) are deprived of their civil rights by a criminal court judgment;

l) express racist, xenophobic or otherwise particularly reprehensible attitudes through their appearance, statements or other behavior.

4) Paragraph 3(a) does not apply if and insofar as weapons and ammunition are required for the vocational training of young people within the framework of a legally recognized apprenticeship and training relationship.

5) Persons who acquire firearms or essential components of firearms upon death must apply for a firearms acquisition certificate within six months of the date on which the probate proceedings are legally concluded, unless the items are transferred to an authorized person within this period. Art. 7 paras. 1 and 3 apply mutatis mutandis to the duty of notification, safekeeping and custody.

Art. 13

Official confirmation

1) Persons residing abroad must submit to the National Police an official confirmation from their country of residence stating that they are entitled to acquire the weapon or essential weapon component.

2) Foreign nationals who do not have a settlement or permanent residence permit but are resident in Liechtenstein must submit an official confirmation from their home country to the national police,

according to which they are entitled to acquire the weapon or essential weapon component there.

Art. 14

Validity of the firearms acquisition certificate

1) The firearms acquisition certificate authorizes the acquisition of a single firearm or a single essential firearm component.

2) The government provides exemptions for the replacement of essential firearm components of a legally licensed firearm and for the acquisition of multiple firearms or essential firearm components from the same person or for acquisition by inheritance.

3) The weapon acquisition certificate is valid for six months. The state police may extend the validity for a maximum of three months.

Art. 15

Verification and notification by the transferring person

Any person who transfers a weapon or an essential weapon component must verify the identity of the acquirer by means of an official identification document and provide the

The state police shall send a copy of the acquirer's firearm acquisition certificate to the acquirer immediately after the transfer.

Art. 16

Exemptions from the obligation to obtain a firearms acquisition certificate

1) The following weapons and their essential components may be acquired without a firearms license, provided that there is no impediment according to Art. 12 Para. 3:

a) single-shot and multi-barrel hunting rifles as well as replicas of single-shot muzzle-loaders;

b) Government-designated bolt-action rifles commonly used in sport shooting and for domestic hunting purposes;

c) single-shot rabbit slayer;

d) Compressed air and CO2 weapons that develop a muzzle energy of at least 7.5 joules or can be mistaken for real firearms due to their appearance;

e) Imitation, alarm and soft-air weapons that can be mistaken for real firearms because of their appearance.

2) The Government may, by ordinance, determine further exceptions or restrict the scope of application of paragraph 1 for foreign nationals without a permanent residence permit in Liechtenstein.

Art. 17

Verification by the transferring person

1) The person who transfers a weapon or an essential weapon component without a weapon acquisition certificate (Art. 16) must verify the identity and age of the acquirer by means of an official identification document.

2) The firearm or essential part of the firearm may be transferred only if the transferor may assume, based on the circumstances, that there is no impediment to the acquisition pursuant to Article 12, Paragraph 3.

3) Art. 13 shall apply mutatis mutandis.

4) The transferring person may inquire with the state police whether there is an impediment to the acquisition. The prerequisite is the written consent of the acquiring person.

Art. 18

Written contract

1) A written contract must be concluded for each transfer of a weapon or an essential weapon component without a weapon acquisition certificate (Art. 16). Each contracting party must keep the contract for at least ten years.

2) The contract must contain the following information:

a) Surname, first name, date of birth, home address and signature of the person transferring the weapon or essential weapon component;

b) Surname, first name, date of birth, home address and signature of the person acquiring the weapon or essential weapon component;

c) Type of weapon, manufacturer, designation, caliber, weapon number, and date and place of transfer;

d) The type and number of the official identification document of the person acquiring the weapon, or a copy of the identification document if a firearm or a significant weapon component is being transferred;

e) a reference to the processing of personal data in connection with the contract in accordance with data protection legislation, if firearms or their essential weapon components are transferred.

3) Anyone who transfers a firearm in accordance with Art. 16, paras. 1 and 2, or its essential components, must send a copy of the contract and the official identification document to the National Police immediately after the contract is concluded. The government may, by ordinance, provide for other appropriate forms of notification.

4) Persons who acquire a firearm or an essential component of a firearm pursuant to Art. 16 upon death must transmit the information pursuant to par. 2 letters a to d to the National Police immediately after the legally binding conclusion of the probate proceedings. Article 7 paragraph 1 applies mutatis mutandis to the obligation to notify.

5) Paragraphs 1 to 3 do not apply to the collective transport of hunting weapons by hunters to and from the hunt or to the short-term change of hands of hunting weapons between hunters on the hunt.

Art. 19

Acquisition of weapons by juveniles

The National Police may, at the request of the legal representative, authorize the acquisition of weapons under Article 16 for hunting or sporting purposes by persons who have reached the age of 16 if:

a) they are reliable and mature enough to understand the dangers associated with the use of weapons and to act in accordance with this understanding; and

b) there is no impediment according to Art. 12 Para. 3 Letters b to l.

B. Possession of weapons and essential weapon components

Art. 20

Requirements

A person who has lawfully acquired a weapon, an essential or specially designed weapon component, or a weapon accessory and who continues to meet the relevant requirements is entitled to possess the item.

III. Acquisition and possession of ammunition, ammunition components and loading devices.

24

gen with high capacity

Art. 21

Acquisition of ammunition and ammunition components

1) Ammunition and ammunition components may be purchased only by persons authorized to purchase the corresponding weapon.

2) The transferring person shall check whether the requirements for the acquisition are met. Art. 17 applies mutatis mutandis to the examination.

Art. 21a

Purchase of high capacity charging devices

1) High-capacity loading devices may only be purchased by persons who hold an exemption permit for the use of a firearm in accordance with Art. 4 Para. 1 Letter.

2) The transferring person shall check whether the requirements for the acquisition are met. Art. 17 applies mutatis mutandis to the examination.

Art. 22

Ownership

The right to possess high-capacity ammunition, ammunition components and loading devices is granted to those who have lawfully acquired the items and continue to meet the relevant requirements.

IV. Arms trade and manufacture

A. Arms trade

Art. 23

Principle

1) Anyone who commercially acquires, offers, transfers or brokers weapons, essential or specially designed weapon components, weapon accessories, ammunition or ammunition components requires a weapons trade license from the government.

2) A weapon trade permit is issued to a person:

a) for which there is no impediment according to Art. 12 Par. 3;

b) who is a national of an EEA member state or Switzerland or, as a third-country national, has had uninterrupted residence in Switzerland for at least twelve years and maintains this residence on a permanent basis;

c) which is registered in the Commercial Register;

d) who has passed an examination proving sufficient knowledge of the types of weapons and munitions as well as of the legal provisions;

e) that has special business premises where weapons, essential and specially designed weapon components, weapon accessories, ammunition and ammunition components can be safely stored;

f) provides the assurance of proper management of the business;

g) which designates a domestic address for service;

h) who has the necessary knowledge of the German language.

3) Legal entities with legal capacity, as well as general and limited partnerships, must meet the requirements of paragraph 2(c), (e) and (g) and appoint a managing director. This also applies to branches of legal entities or general and limited partnerships domiciled abroad. No license is granted to domiciliary companies within the meaning of the Tax Act.

4) The executive director under subsection 3 must meet the requirements under subsection 2(a), (b), (d), (f) and (h) and is responsible to the authorities for all matters under this Act.

5) The government issues the examination regulations, sets the minimum requirements for business premises and regulates the conditions for the participation of holders of foreign arms trading licenses in public arms exchanges.

6) Retrieved

B. Weapon making

Art. 24

Commercial manufacture, repair and reconstruction

A firearms trading license is required for anyone who commercially:

a) Manufactures weapons, essential or specially designed weapon components, weapon accessories, ammunition or ammunition components;

b) modifies weapons on parts that are essential to their function or effect; or

c) Repairs or converts firearms, their essential or specially designed components, firearm accessories, ammunition or ammunition components.

Art. 25

Firearms marking

1) Manufacturers of firearms and their essential components or accessories must mark these items individually and differently for identification and traceability purposes.

2) The marking must be placed in such a way that it cannot be removed or changed without mechanical effort.

3) The government regulates the minimum details of the marking with regulation.

Art. 25a

Ammunition marking

Ammunition manufacturers must use the smallest packaging unit of ammunition for the purpose of identifying and tracing

mark individually. The government regulates the minimum details of marking by decree.

Art. 26

Non-commercial production and reconstruction

1) The non-commercial manufacture of weapons, essential or specially designed weapon components, weapon accessories, ammunition and ammunition components, as well as the non-commercial conversion of weapons into such pursuant to Art. 4 Para. 1 are prohibited.

1a) The non-commercial conversion of weapons to other than those specified in Art. 4 para. 1 or essential components of firearms is subject to authorization or notification. Art. 12, 14 par. 3, Art. 15, 16, 18 par.

3 and Art. 20 apply mutatis mutandis.

2) The government may grant exceptions. It shall regulate the requirements by ordinance.

3) The reloading of ammunition for personal use is permitted.

Art. 27

Prohibited modifications

1) The conversion of semi-automatic firearms to serial firearms, the alteration or removal of firearm numbers, and the shortening of firearms are prohibited.

2) The government may grant exceptions. It shall regulate the requirements by ordinance.

C. Accounting, reporting and information requirements

Art. 28

Accounting

1) Holders of firearms trade licenses are required to keep records of the manufacture, conversion, procurement, sale or other distribution of firearms, essential or specially designed firearm components, firearm accessories, high-capacity loading devices, ammunition and gunpowder, as well as of repairs to restore firearms to fireworthiness.

2) The books referred to in paragraph 1 as well as the copies of the firearms acquisition certificates, the exemption permits and the written contracts must be kept for ten years.

3) The documents referred to in paragraph 2 shall be handed over to the state police:

a) after the expiry of the retention period;

b) after the trader has abandoned the trade; or

c) after revocation or withdrawal of the arms trade license.

4) The National Police shall keep the records for 20 years and shall allow domestic law enforcement agencies and courts to inspect them upon request in order to perform their statutory duties.

Art. 28a

Obligation to report

1) If a transfer of firearms, essential or specially designed firearm components, firearm accessories, ammunition or ammunition components takes place between holders of a firearms trading permit, the person transferring the firearms must notify the National Police of the transfer without delay using

of the electronic means of communication established by the government by decree.

2) Holders of a firearms trading license must immediately report to the regional police any attempted acquisition of ammunition or ammunition components that they suspect due to its nature or scope and which they have therefore prevented.

Art. 29

Duty to provide information

The holders of arms trade licenses and their personnel are obliged to provide the control authorities with all information necessary for proper control.

V. Foreign

transactions

Art. 30

Intermediation and trade abroad

Brokering to natural or legal persons abroad as well as trafficking from Liechtenstein outside the Liechtenstein-Swiss customs territory with weapons, weapon components, weapon accessories, ammunition or ammunition components is governed by the War Material Act if the goods are also covered by this Act.

Art. 31

Importation of firearms from Switzerland

Anyone who imports firearms or prohibited weapons or ammunition (Art. 4 Para. 1 and Art. 5) in connection with a transfer of residence from Switzerland to Liechtenstein must notify the national police in advance.

Art. 32

Accompanying certificate

1) Anyone wishing to export firearms, their essential components or ammunition to a state that is bound by the Schengen acquis requires a permit from the state police.

2) No consignment bill is required for commercial exports of firearms, their essential components or ammunition, which are also covered by war material legislation, to a state bound by the Schengen acquis.

3) If the final recipient is not entitled to possess the firearms, essential components or ammunition under the law of the country of destination, no consignment bill shall be issued.

4) The consignment bill contains all the necessary information on the transport of the firearms, essential components or ammunition to be exported, as well as the data required to identify the persons involved. It must accompany these items until they reach their destination.

5) The National Police shall provide the competent authorities of the States concerned with the export of the firearms, their essential components or ammunition with the information at their disposal.

Art. 33

Temporary export of firearms in tourist traffic

1) Anyone wishing to export firearms and their ammunition temporarily to a state bound by the Schengen acquis in the course of travel must apply to the national police for a European firearms pass.

2) The European Firearms Pass is issued for weapons for which the applicant can demonstrate a credible authorization. It is valid for a maximum of five years and can be extended once for another five years.

3) The Swiss legal provisions applicable to exports on the basis of the customs treaty in Liechtenstein, in particular the Swiss legislation on war material, goods control and weapons, remain reserved.

Art. 34

Temporary movement of firearms in tourist traffic

1) When firearms and their ammunition are temporarily brought to Liechtenstein in tourist traffic, the European Firearms Pass must be carried at all times during the stay and presented to the authorities upon request.

2) The Swiss legal provisions applicable to imports in Liechtenstein on the basis of the customs treaty, in particular the Swiss legislation on war material, goods control and weapons, remain reserved.

Art. 35

Weapons possession confirmation

1) In order to facilitate travel to and from countries that do not participate in the Schengen

The state police may, upon request, issue a firearms ownership certificate to owners of firearms; this applies in particular to hunters or sport shooters.

2) The weapon possession certificate is to be confiscated by the state police in case of misuse.

VI. Storing, finding, losing, carrying and transporting weapons and ammunition

Art. 36

Store

1) Weapons, essential weapon components, weapon accessories, ammunition and ammunition components must be stored carefully and protected from access by unauthorized third parties.

2) In the case of serial firearms, the weapon breech must also be stored separately from the rest of the weapon in a steel container or safe that is theft-proof by virtue of its weight or its anchoring to the building and is fitted with a combination lock. The storage locations may not be changed, either temporarily or permanently, without the permission of the National Police.

3) In the case of weapons collections, or if several weapons are stored in close proximity to each other and can therefore no longer be secured individually, these rooms must be secured against burglary. In addition, these rooms must be secured in such a way that they cannot be entered by unauthorized persons or without supervision.

Art. 37

Find and loss

1) Provisions on the discovery of weapons in other laws shall apply to the discovery of weapons, essential weapon components, weapon accessories and ammunition only insofar as nothing to the contrary results from the following provisions.

2) The state police must be notified immediately of any loss or discovery of a weapon, essential weapon component, weapon accessory, or ammunition.

3) The state police shall provide for appropriate storage of found items.

4) If the owner of the found objects cannot be determined according to paragraph 2:

a) the state police may, after a period of five years, return the object to the finder or to a person designated by the finder.

person only if he is entitled to its possession under the provisions of this Act;

b) if the finder is not allowed to possess the object and has not made any other disposition, the National Police shall put it up for public auction or sale by a person authorized to deal in weapons and hand over the proceeds to the finder.

Art. 38

Carrying a weapon

1) Anyone who wishes to carry or transport a weapon in publicly accessible places requires a weapons carry permit. This must be carried and presented to the police or customs authorities on request. Article 39 paragraph 1 is reserved.

2) A person is issued a firearms carry permit if:

a) there is no impediment for them according to Art. 12 Par. 3;

b) he/she credibly demonstrates that he/she needs a weapon to protect himself/herself or other persons or property from an actual danger;

c) it has passed an examination on the handling of weapons and on knowledge of the legal requirements for the use of weapons; the government shall issue examination regulations.

3) An examination pursuant to subsection 2(c) may be waived in whole or in part if the applicant:

a) demonstrates equivalent training; or

b) in the case of a further application, credibly demonstrates that he/she has trained in the use of firearms on a regular basis since the last examination and that the legal requirements have not changed significantly since that time.

4) The permit to carry weapons is issued by the National Police for a specific type of weapon and for a maximum of five years. It may be subject to conditions.

5) Do not need a weapons carry permit:

a) Holders of a hunting license with regard to hunting weapons during hunting, as well as hunting wardens in the performance of their duties;

b) Participants in events where, in relation to historical events.

Weapons are carried;

c) Participants in shooting events with soft-air weapons on a secured area for carrying such weapons;

d) Actors for the use of firearms for scenic purposes, provided that they have been rendered inoperable for the purpose of firing a live shot.

6) The Government shall regulate in detail the issuance of arms carrying permits, in particular the issuance to foreign members of the staff of diplomatic missions, permanent missions to international organizations, consular posts and special missions, by ordinance.

Art. 39

Weapons transportation

1) No weapons carrying permit is required for the transport of weapons, ins- particular:

a) to and from courses, exercises and events of shooting or hunting associations;

b) from and to a holder of a firearms trade permit;

c) from and to the acquirer and vendor;

d) to and from professional events;

e) in the event of a change of residence.

2) When transporting firearms, the weapon and ammunition must be separated.

VII. Shooting ranges Art. 40

Operating license

1) Anyone wishing to operate a shooting range open to the public or to substantially change its nature or the way in which it is used requires an operating permit from the government.

2) An operating license is issued to one person:

a) for which there is no impediment according to Art. 12 Par. 3;

b) who is a national of an EEA member state or Switzerland or, as a third-country national, has had uninterrupted residence in Switzerland for at least twelve years and maintains this residence on a permanent basis;

c) who have the necessary technical and safety knowledge for the operation of a

Shooting range has;

d) who has taken out liability insurance with coverage of at least CHF 1 million;

e) submitting a permit for the shooting range issued by the building authorities; and

f) which provides evidence that the operation of the shooting range neither endangers nor unnecessarily disturbs or inconveniences persons.

3) An operating permit for mobile shooting ranges may not be issued.

4) Legal entities with legal capacity as well as general partnerships and limited partnerships must meet the requirements of paragraph 2 letters d to f and appoint a responsible person. This also applies to branches of legal entities or general and limited partnerships domiciled abroad. No operating license shall be granted to domiciliary companies within the meaning of the Tax Act.

5) The person responsible in accordance with para. 4 must meet the requirements in accordance with para. 2 letters a to c and is responsible to the authorities for compliance with the safety regulations.

Art. 41

Use of weapons and ammunition

1) Subject to Art. 12, Para. 3, the provisions on the acquisition, transfer, possession and carrying of firearms and ammunition (Arts. 12 to 22 and 38) do not apply to the use of firearms, compressed air and CO2 weapons and their ammunition at officially authorized shooting ranges. Art. 12, para. 3, subpara. a applies with the proviso that persons who have reached the age of 14 may use firearms, compressed air and CO2 weapons and the associated ammunition at officially authorized shooting ranges in the presence of a supervisor suitable for shooting.

2) Paragraph 1 sentence 1 also applies mutatis mutandis to the collective transport of firearms, compressed air and CO2 weapons to and from officially approved shooting ranges by members of shooting clubs.

VIII. Exemption permits, control, administrative sanctions and fee-43
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A. Exemption permits

Art. 42

Exemption permits

1) Exemption permits under this Act may be issued only if:

a) respectable reasons exist;

b) there are no impediments according to Art. 12 Para. 3; and

c) the specific requirements provided by law are met.

2) Reasons worthy of respect are:

a) for firearms and essential or specially designed components:

1. professional requirements, especially with regard to the performance of protection tasks such as the protection of sensitive infrastructures, transport of valuables or persons;

2. sport shooting;

3. Collecting activity; or

4. purposes of education, culture, documentation and research;

b) for non-firearms and firearm accessories in particular:

1. professional requirements;

2. the use for industrial purposes;

3. the compensation of physical disabilities;

4. Collecting activity;

5. hunting purposes.

3) The National Police shall review the conditions for granting an exemption on a regular basis, at least every five years.

Art. 42a

Special requirements for sport shooters

1) The issuance of exemption permits according to Art. 42 for sport shooters is only permitted if:

a) the authorization is limited to:

1. serial firearms converted to semi-automatic firearms;

2. semi-automatic centerfire weapons with high-capacity loaders;

3. essential or specially designed components of weapons referred to in items 1 and 2;

b) the items referred to in subparagraph (a) meet the specifications required for a recognized

discipline of an official sport shooting organization or sport shooting association are required.

2) Exemption permits under subsection 1 may be issued only to persons who:

a) Are a member of a shooting club;

b) have been regularly practicing shooting sports in this club for at least 12 months; and

c) actively train for and participate in recognized shooting competitions of an official sport shooting organization or an officially recognized sport shooting association.

Art. 42b

Special requirements and obligations for collectors and museums

1) Exemption permits under Art. 42 for collectors may be issued only to persons who:

a) submit a concept describing the aim and purpose as well as the systematics of the collection;

b) have the necessary expertise and experience in handling weapons;

c) demonstrate that they have made adequate arrangements for the safekeeping of the collection (Art. 36).

2) Collectors must:

a) keep a register of all firearms in their possession as defined in Article 4, paragraph 1; the register shall be kept up to date at all times;

b) be able to present the list and the associated exemption permits to the state police at any time upon request.

3) Exemption permits for museums may be granted if the prerequisite set out in paragraph 1(c) is met.

B. Control, administrative sanctions and fees

Art. 43

Control

1) The state police shall have the authority to act in the presence of the person holding a permit under this Act or his or her deputy:

a) monitor compliance with conditions and requirements attached to the approval;

b) to inspect the business premises of the holder of a firearms trading license during normal working hours without prior notice and to inspect the relevant files.

2) The state police are also authorized to check the careful storage of weapons, essential weapon components, weapon accessories, ammunition and ammunition components, especially in the case of persons who:

a) have an exemption permit in accordance with Articles 42 to 42b; or

b) possess a larger number of firearms subject to the obligation to obtain a firearms acquisition license.

3) On the occasion of an inspection, the national police shall take such measures as are necessary to restore the lawful state of affairs. It shall temporarily seize incriminating material and objects if the immediate seizure cannot be postponed. The seizure may also result in the revocation of any permits.

4) The checks and inspections referred to in paragraph 1 must be repeated regularly in the case of holders of a firearms dealer's license.

5) The gun owners have to provide the controls.

Art. 44

Withdrawal of permits

The competent enforcement authority shall revoke a permit if:

a) the requirements for granting them are no longer met;

b) the conditions and requirements attached to the authorization are no longer complied with;

c) it was obtained by means of incorrect or misleading information or by concealing material facts;

d) it is misused.

Art. 45

Duty to cooperate

1) The applicant is obligated to cooperate in determining the conditions for approval if the responsible authority cannot determine the facts relevant to the decision on its own. The authority may also request the applicant to undergo a medical examination by a public health officer,

or other experts.

2) Par. 1 shall apply mutatis mutandis if indications of impediments pursuant to Art. 12 Par. 3 or the elimination of licensing requirements subsequently arise.

Art. 46

Registration law

Persons obliged to maintain official or professional secrecy are entitled to report to the National Police persons who:

a) endanger themselves or third parties through the use of weapons;

b) threaten to use weapons against themselves or third parties.

Art. 47

Seizure and confiscation

1) The state police are making safe:

a) Weapons carried by persons without authorization;

b) Weapons, essential and specially designed weapon components, weapon accessories, ammunition and ammunition components from the possession of persons for whom there is an impediment according to Art. 12 Para. 3 or who are not entitled to acquire or possess them;

c) Firearms, their essential components or their accessories that are not marked according to Art. 25;

d) smallest packaging units of ammunition not marked according to Art. 25a;

e) High capacity loading devices and the associated firearm from the possession of persons who are not authorized to acquire or possess them.

2) If it recovers weapons, essential or specially designed weapon components, weapon accessories, high-capacity loading devices and the associated firearm, ammunition or ammunition components from the possession of a person who is not entitled to ownership, it shall return these items to the person entitled to ownership if they were lawfully acquired and there is no impediment in accordance with Article 12 paragraph 3.

2a) If it seizes high-capacity loading devices and the associated firearm, the owner shall submit an application for the granting of an exemption permit in accordance with Articles 42 to 42b within three months or transfer the items to an authorized person.

3) The government seizes the seized items and orders their confiscation if:

a) there is a risk of misuse, in particular because persons have been threatened or injured with such objects;

b) it is a question of items in accordance with par. 1 let. c and d, which, according to the

1. August 2012 have been manufactured; or

c) the items have not been transferred to an authorized person and the request under para. 2a has not been submitted or has been rejected.

4) The Government shall regulate by decree the procedure in the event that the return is not possible.

Art. 48

Receipt of weapons by the state police

The National Police is obliged to accept weapons, essential and specially designed weapon components, weapon accessories, ammunition and ammunition components free of charge. The government may impose a fee on holders of a weapons trade permit for the receipt of weapons.

Art. 49

Central Office

The National Police serves as a central receiving and reporting point for the exchange of information with other states bound by the Schengen acquis.

Art. 50

Cooperation of domestic authorities

The authorities of the Land and of the municipalities, as well as public-law institutions and corporations, shall provide the competent enforcement authorities with all information required for the enforcement of this Act.

Art. 51

Fees

1) Fees shall be charged for official acts under this Act, in particular for the issuance of permits and confirmations, the performance of inspections, and special services provided by the enforcement authorities.

2) The government sets the amount of the fees by decree.

IX. Privacy[58]

Art. 52

Processing of personal data

1) The competent law enforcement authorities may process all personal data, including special categories of personal data and personal data relating to criminal convictions and criminal offenses, that they need to perform the tasks assigned to them under this Act.

2) In order to fulfill their statutory duties, the competent law enforcement authorities shall keep registers in which the following data may be entered:

a) the personal data and registration number of the acquirer and the transferring person of a weapon;

b) the personal data and registration number of the holder of a firearms trading or operating license or, in the case of legal entities, the company name, registered office, legal form and registration number as well as the personal data of the managing director or person responsible;

c) the personal data and registration number of the holder of a firearms license;

d) Data on weapons, essential or specially designed weapon components, weapon accessories and ammunition or ammunition components, such as type, manufacturer, designation, caliber, identification number;

e) Date of transfer or destruction of weapons, essential or specially designed weapon components, weapon accessories and ammunition or ammunition components;

f) Requirements and conditions associated with a permit;

g) Circumstances that led to the withdrawal and denial of a permit;

h) administrative or criminal prosecutions and sanctions;

i) Information on notifications from States bound by the Schengen acquis concerning refusals to grant licenses to acquire firearms on grounds of security related to the reliability of the person concerned.

3) The registers referred to in paragraph 2 may also be kept in electronic form.

4) The Government shall regulate the details, in particular the security, retention period, correction and deletion of data, by ordinance.

Art. 53

Disclosure of personal data

1) The competent law enforcement authorities may disclose personal data to the following authorities for the purpose of fulfilling their statutory duties:

a) domestic law enforcement agencies and courts and other authorities responsible for the enforcement of this Act;

b) the competent authorities of the country of residence or home country;

c) the foreign police, law enforcement and security authorities, as well as INTERPOL agencies.

2) Data relating to the acquisition of firearms or essential components of firearms by persons residing in another State bound by the Schengen acquis must be communicated to the competent authorities of the State of residence of the person concerned.

3) The competent law enforcement authorities shall forward to other States bound by the Schengen acquis information from the registers referred to in Article 52(2) concerning the refusal to issue a firearms acquisition certificate or an exemption permit on grounds of security relating to the reliability of the person concerned.

4) The exchange of information with countries that are bound to the Schengen acquis can also be automated using the information systems provided for this purpose.

Art. 54

Repealed

Art. 55

Repealed

Art. 56

Repealed

Art. 57

Repealed

Art. 58

Repealed

X. Appeals

Art. 59

Complaint

1) Decisions and orders of the National Police may be appealed to the National Police or to the Government within 14 days from the date of notification.

2) Decisions and orders of the Government may be appealed to the Government or to the Administrative Court within 14 days from the date of notification.

3) The procedure shall be governed by the provisions of the Act on the General Administration of the Republic of Poland.

XI. Penal provisions

Art. 60

Misdemeanors and felonies

1) The district court shall punish for misdemeanor with imprisonment for a term not exceeding one year or with a fine not exceeding 360 daily penalty units who intentionally:

a) without authorization offers, transfers, brokers, acquires, possesses, manufactures, modifies, converts, carries or exports to a state bound by the Schengen acquis weapons, essential or specially designed weapons components, weapons accessories, ammunition or ammunition components;

b) obtains an arms trade permit with false or incomplete information;

c) violates the obligations under Art. 28;

d) as a holder of an arms trade license:

1. fails to store weapons, essential or specially designed weapon components, weapon accessories, ammunition or ammunition components safely (Art. 23 para. 2 let. e);

2. manufactures firearms, their essential components, firearm accessories or ammunition without marking these items in accordance with Art. 25 or 25a;

3. offers, acquires, transfers or brokers firearms, their essential components, firearm accessories or ammunition that have not been marked in accordance with Art. 25 or 25a;

4. offers, acquires, transfers or brokers firearms, their essential or specially designed components, firearm accessories or ammunition that have been unlawfully introduced into Liechtenstein territory;

e) removes, obscures, alters or adds to the markings of firearms, their essential components or their accessories, as required by Article 25, without authorization;

f) operates a shooting range (Art. 40) without an operating license or substantially changes its structure or the way in which it is used;

g) offers, transfers or brokers weapons, essential or specially designed weapons components, weapons accessories, ammunition or ammunition components to persons pursuant to Art. 9 Para. 1 who are unable to present an exemption permit pursuant to Art. 9 Para. 2;

h) makes the control of safekeeping (Art. 43 para. 2) impossible.

2) In case of negligent commission of an offense, the upper limit of the penalty shall be reduced to half.

3) The district court shall punish for felony with imprisonment for a term not exceeding five years, whoever intentionally and commercially without authorization:

a) offers, transfers, brokers, manufactures, repairs, modifies, converts or exports weapons, essential or specially designed weapons components, weapons accessories, ammunition or ammunition components to a state bound by the Schengen acquis;

b) offers, acquires, transfers or brokers firearms, their essential or specially designed components, firearm accessories or ammunition that are not marked in accordance with Art. 25 or 25a or that have been unlawfully brought into Liechtenstein territory.

4) The provisions of the Criminal Code and ancillary criminal laws remain reserved.

Art. 61

Transgressions

1) The district court shall punish for a misdemeanor with a fine of up to 20,000 francs, or in case of non-collection, with imprisonment for a term of up to three months, who:

a) fraudulently obtains a firearms acquisition certificate or a firearms carrying permit by providing false or incomplete information without an offense under Art. 60 para. 1 let. a having been committed;

b) shoots with a firearm without authorization (Art. 4 par. 2 and 3);

c) fails to exercise due diligence when transferring weapons, essential or specially designed weapon components, ammunition or ammunition components and high-capacity loading devices (Art. 15, 17, 21 para. 2 and Art. 21a para. 2);

d) fails to comply with its obligations under Art. 18 paras. 1 and 2 or provides false or incomplete information on the contract;

e) as a private person, fails to carefully store weapons, essential or specially designed weapon components, weapon accessories, ammunition or ammunition components (Art. 36);

f) does not carry the weapon carrying permit (Art. 38 par. 1);

g) its reporting obligations pursuant to Art. 10 para. 1, Art. 15, 18 para. 3, Art. 23 para. 6, Art. 26 par. 1a, Art. 31, 37 par. 2 or Art. 65 par. 2 is not complied with;

h) in the case of acquisition by reason of death, fails to comply with his obligations under Art. 7, Art. 12, para. 5 or Art. 18, para. 4;

i) uses prohibited forms of offering (Art. 11);

k) fraudulently obtains the consignment bill (Article 32(1)) with false or incomplete information or exports firearms, their essential components or ammunition to a State bound by the Schengen acquis without the consignment bill being attached;

l) carries firearms and their ammunition without a European firearms pass when entering the country from a state bound by the Schengen acquis (Art. 34 para. 1);

m) transports a firearm without separating the weapon and ammunition (Art. 39, para. 2);

n) otherwise wilfully violates any provision of this Act, the violation of which is declared punishable by the Government in the implementing regulations;

o) for the purpose of deception in legal transactions, provides another person with a document provided for in this Act, obtains or makes use of such a document issued for another person, or obtains such a document by fraud, unless the act is punishable by a more severe penalty under another provision.

2) In case of negligent commission, the upper limit of the penalty shall be reduced

to half. Art. 62

Responsibility

If the offences under Articles 60 and 61 are committed in the business operations of a legal entity or a general or limited partnership or a sole proprietorship, the penal provisions apply to the persons who

have acted or should have acted on their behalf, but with joint and several liability of the legal person, company or sole proprietorship for the fines and costs.

XII. Transitional and final provisions Art. 63

Validity of old firearms acquisition and firearms licenses as well as old firearms dealer patents

1) A firearms acquisition certificate issued on the basis of the previous law entitles the holder to acquire a handgun until the expiry of the period of validity noted on it.

2) A firearms license issued on the basis of the previous law entitles the holder to carry the handgun listed therein until the expiry of the validity period noted on it.

3) A firearms dealer's license issued on the basis of the previous law shall remain in force unchanged.

Art. 64

Validity of old collective permits

A collective license for serial firearms issued on the basis of the previous law remains valid until its expiry and entitles the holder to possess these items. However, the permit holders are obliged to notify the National Police of the weapon data (type, designation and number) within a period of two months from the entry into force of this Act.

Art. 65

Possession of weapons, weapon accessories and ammunition

1) Anyone who lawfully acquired weapons, essential or specially designed weapon components, weapon accessories, ammunition and ammunition components prior to the entry into force of this Act may continue to possess these items and deal with them in accordance with this Act.

2) Any person who is already in possession of launchers pursuant to Art. 4, para. 1, subpara. e and their essential and specially designed components, of grenade launchers pursuant to Art. 3, para. 1, subpara. b, item 3, or of weapons accessories pursuant to Art. 4, para. 1, subpara. k, must report them to the National Police within three months of the entry into force of this Act.

3) Within six months after the entry into force of the prohibition under Art. 4 para. 1

an application for an exemption permit may be submitted for items pursuant to para. 2. Anyone who does not wish to submit an application must transfer the items to an authorized person within six months of the ban coming into force.

4) If the application for an exemption permit (para. 3) is rejected, the items must be transferred to an entitled person within four months of the rejection.

Art. 66

Weapons bans

A weapons ban issued on the basis of the previous law shall remain in force until its expiry.

Art. 67

Subsequent registration

Anyone who is already in possession of a firearm or an essential component of a firearm as defined in Article 16 must declare the item to the National Police within one year of the entry into force of this Act, providing the data on the firearm.

Art. 68

Subsequent operating license for shooting ranges

Persons operating a shooting range at the time of the entry into force of this Act shall apply to the Government for an operating license in accordance with Article 40 within one year of the entry into force of this Act at the latest.

Art. 69

Executive Orders

1) The Government shall issue the ordinances necessary for the implementation of this Law, in particular on:

a) the detailed requirements, form and content of permits and the procedure;

b) Prohibitions and restrictions related to ammunition (Art. 5);

c) the prohibition for nationals of certain states (Art. 9);

d) the minimum requirements for business premises (Art. 23 par. 5);

e) the minimum specifications of the marking of firearms (Art. 25 par. 3);

f) the procedure to be followed in the event of the return of provisionally seized weapons

is not possible (Art. 47 Par. 4);

g) the fees (Art. 51).

2) The Government may conclude agreements with Switzerland on the enforcement of the legal provisions applicable to the areas of import, export and transit, as well as on cooperation between the competent arms authorities.

3) The government may conclude agreements with Switzerland on participation in the maintenance and use of Swiss federal weapons databases, subject to the provisions on data protection, the main characteristics of weapons and ammunition or the

Include evaluations of firearms traces on weapons, ammunition, especially crime ammunition, and on persons involved in or affected by crimes.

Art. 70

Business delegation

The Government may, by decree, transfer the business assigned to it in Articles 23(1), 24(1), 26(2), first sentence, 27(2), first sentence, 40(1), 44 and 47(3) to an office for independent execution, subject to the right of appeal to the collegial Government.

Art. 71

Repeal of previous law

It is repealed:

a) Weapons Act of November 3, 1971, LGBl. 1971 No. 48;

b) Act of 29 May 2008 on the amendment of the Weapons Act, LGBl. 2008 No. 190.

Art. 72

Entry into force

1) This Act shall enter into force on July 1, 2009, subject to subsection 2.

2) The Government shall determine the date of entry into force of Art. 32, Art. 33, Art. 34, Art. 35, Art. 49, Art. 53 para. 2, Art. 54, Art. 55 and Art. 61 para. 1 letters k and l by ordinance. The determination of the entry into force shall be made no later than the full entry into force of the Protocol of 28 February 2008 between the European Union, the European Community and the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the European Union.

Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation concerning the Swiss Confederation's association with the implementation, application and development of the Schengen acquis.

XII. ZIGG

Law

from 20 October 2004

on Cooperation with the International Criminal Court and Other International Courts (CIGG)

I. General provisions

Art. 1

Terms and designations

1) For the purposes of this Act means:

a) "International Criminal Court" means the International Criminal Court established by the Rome Statute of the International Criminal Court of 17 July 1998 (Rome Statute), including its Chambers and the Office of the Prosecutor, the members of those Chambers and the Office of the Prosecutor, and the Bureau and Registry;

b) "International Court:

1. the International Tribunal for the Former Yugoslavia established by United Nations Security Council Resolution 827 (1993) of May 25, 1993,

2. the International Tribunal for Rwanda established by United Nations Security Council Resolution 955 (1994) of November 8, 1994,

3. the Special Court for Sierra Leone established by United Nations Security Council Resolution 1315 (2000) of August 14, 2000, pursuant to an agreement between the United Nations and the Government of Sierra Leone; and

4. the Extraordinary Chambers in the Courts of Cambodia established by United Nations General Assembly resolution 57/228 of May 22, 2003, and pursuant to an agreement between the United Nations and the Royal Government of Cambodia, including the respective Chambers and Prosecution Offices established under the Statute and the members of such Chambers and Prosecution Offices.

1a) The Government may, by ordinance, designate other courts, tribunals or similar institutions as International Tribunals within the meaning of Article 1(1)(b), provided that they:

a) have been established by the United Nations or have an international character by virtue of an agreement with the United Nations or because of their at least partial international membership; and

b) have comparable judicial functions and powers to those of the courts listed in subsection 1(b)(1) to (4).

2) The designations of persons, functions and professions used in this Act shall be understood as referring to members of the female and male sexes.

Art. 2

General principle

1) The Liechtenstein authorities, in particular the courts, the Office of the Public Prosecutor, the law enforcement authorities and the security authorities, are obliged to cooperate fully with the International Criminal Court and the International Tribunal.

2) The obligation under paragraph 1 consists in particular of:

a) the International Criminal Court in accordance with the provisions of this Act and in accordance with the Rome Statute and the Procedural

The Liechtenstein Court of Justice shall be empowered to make available to the International Criminal Court in Liechtenstein, in accordance with its Rules of Procedure and Evidence, information and documents relating to suspected crimes within its jurisdiction, to render legal assistance to the International Criminal Court, to transfer defendants, to accept sentenced persons for execution of sentences, and to enforce fines and property orders;

b) to make available to the International Tribunal in Liechtenstein, in accordance with the provisions of this Act and with the resolutions of the Security Council or of the General Assembly of the United Nations, as well as with the Statute and the Rules of Procedure of the International Tribunal in Liechtenstein, available information and documents on suspicion of offences falling within its jurisdiction, to render legal assistance to it, as well as to transfer accused persons and to take over convicted persons for the execution of sentences and to enforce fines and pecuniary orders.

3) Unless otherwise provided for in this Act, the proceedings shall be governed by the Legal Assistance Act (RHG) and the Code of Criminal Procedure (StPO).

Art. 3

Jurisdiction of the International Criminal Court and the International Tribunal

1) The International Criminal Court shall have jurisdiction, in accordance with the provisions of the Rome Statute governing the exercise of its jurisdiction, to prosecute and punish persons charged with crimes within the meaning of Articles 5(1)(a) to (d), 6 to 8 and 25 of the Rome Statute (genocide, crimes against humanity, war crimes and crimes of aggression),

committed after its entry into force (Articles 10 to 13 of the Statute).

2) The International Tribunal referred to in Article 1(1)(b)(1) shall have jurisdiction to prosecute and punish persons charged with serious violations of international humanitarian law committed since 1 January 1991 in the territory of the former Socialist Federal Republic of Yugoslavia, including its airspace and territorial sea. Serious violations of international humanitarian law to be prosecuted by this Tribunal shall include the serious violations of the Geneva Conventions of 12 August 1949, as defined in Articles 2 to 5 of the Statute of this Tribunal, violations of the laws or regulations of the Member States of the European Union, and violations of the laws or regulations of the Member States of the European Union.

Customs of war, genocide and crimes against humanity.

3) The International Tribunal referred to in Article 1(1)(b)(2) shall have jurisdiction to prosecute and punish persons charged with acts of genocide and other serious violations of international humanitarian law committed within the territory of Rwanda, including its airspace, and to prosecute and punish Rwandan nationals charged with such acts and violations committed within the territory of the neighboring States of Rwanda. Jurisdiction exists over acts committed between January 1, 1994 and December 31, 1994. Serious violations of international humanitarian law to be prosecuted by this Tribunal shall be crimes against humanity as defined in Articles 3 and 4 of the Statute of this Tribunal and violations under Article 3 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, as amended by Additional Protocol II of 8 June 1977.

4) The International Tribunal referred to in Article 1(1)(b)(3) shall have jurisdiction to prosecute and punish persons who bear the greatest responsibility for serious violations of international humanitarian law and the law of Sierra Leone committed in the territory of Sierra Leone since 30 November 1996, including those leaders who, by committing such crimes, have threatened the initiation and conduct of the peace process in Sierra Leone. The grave breaches of international humanitarian law to be prosecuted by this Tribunal are the crimes against humanity described in Article 2 of the Statute of this Tribunal, the grave breaches of Article 3 of the Geneva Convention of 12 August 1949 on the Protection of Human Rights and Fundamental Freedoms, described in Article 3 of the Statute. The serious violations of Article 3 of the Geneva Convention of 12 August 1949 relative to the Protection of Civilian Persons in Time of War and of Additional Protocol II of 8 June 1977, the other serious violations of international humanitarian law set forth in Article 4 of the Statute, and the crimes under the law of Sierra Leone set forth in Article 5 of the Statute shall be punishable.

5) The International Tribunal referred to in Article 1(1)(b)(4) shall have jurisdiction to prosecute and punish senior leaders of Democratic Kampuchea and those principally responsible for acts committed between 17 April 1975 and 6 June 1975.

The Cambodian authorities have found the defendant guilty of crimes and serious violations of Cambodian criminal law, international humanitarian law and customary international law, as well as international conventions recognized by Cambodia, committed on January 1, 1979. Such crimes and

grave breaches of international humanitarian law to be prosecuted by this court are the crime of genocide as defined in the Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948, breaches of humanity as defined in the Rome Statute, grave breaches of the Geneva Conventions of 12 August 1949, and other crimes defined in Chapter II of the Cambodian Law on the Establishment of Extraordinary Chambers of 10 August 2001.

Art. 4

Liechtenstein jurisdiction

1) The jurisdiction of the Liechtenstein courts is not excluded by the jurisdiction of the International Criminal Court or the International Court.

2) However, Liechtenstein jurisdiction does not apply to acts for which the suspect has been finally convicted or acquitted by the International Criminal Court or the International Court.

Art. 5

Challenging the admissibility of proceedings before the International Criminal Court; assignment of proceedings to the International Criminal Court or to the International Court of Justice

1) If the International Criminal Court claims jurisdiction over a criminal case, the member of the Government responsible for the Judicial Branch may assert Liechtenstein jurisdiction within the meaning of Article 18 of the Rome Statute or challenge the admissibility of the proceedings or the jurisdiction of the Court under Article 19 of the Rome Statute.

2) The admissibility of the proceedings shall be challenged if:

a) the person has been finally convicted or acquitted of the offense by a Liechtenstein court;

b) a criminal case is pending before the domestic public prosecutor's office or before such a court because of the act committed in the country or because of the act of a national who has entered the country, or a criminal case is pending because of a request by the International Criminal Court for arrest and transfer or for the rendering of legal assistance

is made, unless the conduct of the criminal proceedings by the International Criminal Court is to be preferred in view of the particular circumstances, in particular for reasons of truthfulness or nexus with other crimes underlying the proceedings before the Court; or

c) proceedings were pending before the public prosecutor's office or a court in Germany in connection with the offense, which were discontinued for reasons other than exclusively procedural reasons.

3) In order to enable the challenge of admissibility, the Office of the Prosecutor shall report to the member of the Government responsible for the Judiciary Division on pending criminal cases concerning criminal acts falling within the jurisdiction of the International Criminal Court.

4) An appeal against the decision of the International Criminal Court on the admissibility of the proceedings shall be lodged with the Court within five days by the member of the Government responsible for the Judicial Branch.

5) If the admissibility of the proceedings before the International Criminal Court or its jurisdiction is not contested, or if the International Criminal Court finally affirms its jurisdiction, or if there is a formal request from the International Court for the transfer of prosecution for criminal acts falling within its jurisdiction, the district court shall take all necessary steps to secure the person and the evidence and shall then provisionally discontinue the proceedings and submit a complete copy of the file to the Office of Justice for the purpose of forwarding it to the International Criminal Court or to the International Court. If evidence is attached, it shall be stated whether its return is waived.

6) The Liechtenstein criminal proceedings shall be discontinued after a final decision by the International Criminal Court or the International Tribunal. However, the proceedings shall be continued by order at the request of the Office of the Public Prosecutor if:

a) the Prosecutor at the International Criminal Court or the International Tribunal decides not to bring an indictment or withdraws from the indictment;

b) the International Criminal Court or the International Tribunal dismisses the indictment after investigation; or

c) the International Criminal Court finds that it lacks jurisdiction or that the proceedings are inadmissible, or the International Tribunal finds that it lacks jurisdiction.

Art. 6

Submission of a case to the International Criminal Court

1) The submission of a case to the International Criminal Court within the meaning of Article 14 of the Rome Statute shall be decided by the Government.

2) In the cases referred to in Article 5, paragraph 2, the submission of a case to the International Criminal Court shall not be considered.

Art. 7

Transfer of nationals

Liechtenstein citizenship does not preclude transfer to the International Criminal Court or to the International Tribunal, extradition or transit, or transfer to another State to enforce a sentence imposed by the International Criminal Court or the International Tribunal.

Art. 8

Intercourse with the International Criminal Court and the International Court of Justice

1) Communication with the International Criminal Court or the International Tribunal shall in principle take place through the intermediary of the member of the Government responsible for the Ministry of Foreign Affairs. Acts of execution shall also be transmitted to the International Criminal Court or the International Tribunal through the intermediary of the member of the Government responsible for the Ministry of Foreign Affairs if their requests have reached the Liechtenstein judicial or administrative authorities by other means.

2) The courts and the Office of the Prosecutor shall send notifications to the International Criminal Court or to the International Court of Justice.

as well as to forward the execution files to the Office of Justice for forwarding.

3) In urgent cases and within the framework of criminal administrative assistance, Liechtenstein authorities may communicate directly with the International Criminal Court and the International Tribunal or through the International Criminal Police Organization (INTERPOL). In urgent cases, it is also permissible to use any means of communication that enables a written version to be prepared under conditions that allow the authenticity of the request to be established. Requests sent in this way shall be confirmed through the channels provided for in paragraph 1 of this Article.

4) Requests of the International Criminal Court and the International Tribunal shall be in writing. Letters of request from the International Criminal Court and the documents enclosed in support thereof shall be in the German language

or with a certified translation into German. Translations into English or French shall be attached to the letters of request and enclosures of the International Tribunal. Executions of requests of the International Criminal Court and the International Tribunal do not require translation.

Art. 9

Privileges and immunities

1) The Judges, the Chief Prosecutor and the Registrar of the International Tribunal shall be entitled to the privileges, immunities, immunities and facilities accorded to diplomats under international law.

2) The staff of the Prosecutor and the Registrar shall enjoy the privileges and immunities accorded to staff of the United Nations under Arts. V and VII of the Convention on the Privileges and Immunities of the United Nations of 13 February 1946.

Art. 10

Duty to consult; refusal of requests of the International Criminal Court.

1) Consultations shall be held with the International Criminal Court for the purpose of settling the matter, in particular, when the issuance of a request by the Court:

a) would be contrary to a recognized principle of law (Article 93(3) of the Rome Statute);

b) would be detrimental to national security (Arts. 72 and 93(4) of the Rome Statute);

c) would violate the sovereign immunity or diplomatic immunity of a person or property of another State (Article 98(1) of the Rome Statute);

d) would conflict with obligations under international law, according to which the transfer of a national of the sending State to the Court requires the consent of that State (Article 98(2) of the Rome Statute).

2) In the course of the consultations, it shall be considered whether the request can be met by other means or under certain conditions.

3) If the matter cannot be settled in the course of the consultations, the International Criminal Court shall be requested to amend the request. If amendment of the request by the International Criminal Court cannot be considered, the request shall be refused.

4) The government shall decide on the refusal. The International Criminal Court shall be informed of the refusal of the request, stating the reasons.

Art. 11

Costs

1) Costs of execution of requests of the International Criminal Court shall be borne by the Principality of Liechtenstein. Excluded are:

a) Costs associated with the transfer of detainees for evidentiary purposes under Article 93 of the Rome Statute;

b) Translation, interpretation and transcription costs;

c) costs of evidence or expert opinions requested by the Court;

d) Costs related to the transportation of a person transferred to the court;

e) after consultations, extraordinary costs that may result from the execution of a request.

2) The member of the Government responsible for the Judiciary Division may waive the costs referred to in para. 1 in respect of the International Criminal Court if they are insignificant or for other reasons worthy of consideration.

3) Par. 1 shall apply to requests under Article 22, provided that the costs shall be borne by the International Criminal Court, except in the cases specified in subparagraphs (a) to (e).

4) The execution of requests of the International Court are usually free of charge.

Art. 12

Confidentiality

Requests of the International Criminal Court and of the International Tribunal and all documents annexed thereto in support thereof shall be treated as confidential unless their disclosure is necessary for the execution of the request.

Art. 13

Free escort

1) Persons who have been summoned from abroad by the International Criminal Court or the International Court to appear before one of these courts, or whose presence is required at the seat of the International Criminal Court or the International Court, have the right of free transit through the territory of the Principality of Liechtenstein for this purpose. They may not be prosecuted, punished or restricted in their personal freedom within the country because of an act committed before their entry.

2) However, prosecution, punishment or restriction of personal liberty for an act committed prior to his or her entry is permissible if the summoned person exceeds the reasonable duration of stay in the territory of Liechtenstein for transit, although he or she could have actually left the territory of the Principality of Liech- tenstein.

3) Free escort does not apply if the International Criminal Court or the International Court requests the arrest of the summoned person (Art. 25, 27 and 28).

II. special provisions

A. Investigations and hearings of the International Criminal Court or the International Court in Liechtenstein

Art. 14

Investigations and negotiations

1) The International Criminal Court and the International Tribunal shall be authorized to independently examine witnesses and accused persons in Liechtenstein, as well as to carry out an inspection in public places which is not connected with the making of changes, and to take other evidence, if this has been communicated in advance to the member of the Government responsible for the Justice Division, stating the time and the subject of the investigations, and if coercive measures are neither used nor threatened in the conduct of the investigations. Special consent to the performance of duties by members and investigators of the International Criminal Court and the International Court in Liechtenstein shall not be required in such cases.

2) The International Criminal Court and the International Tribunal shall be authorized to hold hearings in Liechtenstein unless the member of the Government responsible for the Justice Division objects on the grounds of serious concerns relating to the security of the Principality of Liechtenstein or of the International Criminal Court or Tribunal.

3) The Liechtenstein authorities have notified the members and investigating officers of the International Criminal Court and the Internatio-

nal court in their independent activities in Liechtenstein.

They may only take coercive measures if a written request for legal assistance has been submitted and the requested legal assistance has been ordered by the Liechtenstein court. The admissibility and enforcement of such coercive measures are governed by Liechtenstein law.

B. Legal assistance; procedural provisions Art. 15

Procedural rules for the execution of letters rogatory

1) Mutual legal assistance for the International Criminal Court or the International Tribunal shall be carried out in accordance with the provisions on mutual legal assistance in criminal matters applicable in Liechtenstein.

2) A request by the International Criminal Court or the International Court for compliance with certain formal requirements shall be complied with if this is compatible with the principles of Liechtenstein criminal procedure law. Audio or video recording and video transmission of legal acts shall always be permitted if requested by the International Criminal Court or the International Tribunal.

3) The members and investigators of the International Criminal Court and the International Tribunal and other persons involved in the proceedings, as well as their counsel, may, at the request of the International Criminal Court or the International Tribunal, be permitted to be present and to cooperate in acts of mutual legal assistance. For this purpose, they shall be informed of the place and time of the performance of the acts of mutual legal assistance.

4) The execution of a request by the International Criminal Court or the International Tribunal for criminal investigations or information may also be carried out without referral to the Tribunal by the member of the Government responsible for the Justice Division in accordance with Liechtenstein law.

Art. 16

Deferral of execution of letters rogatory from the International Criminal Court.

1) The execution of a request for mutual legal assistance from the International Criminal Court may be postponed:

a) pending a decision on a challenge to jurisdiction under Articles 17 to 19 of the Rome Statute, unless the International Criminal Court has expressly ordered that the Prosecutor may continue the taking of evidence under Articles 18 or 19 of the Rome Statute;

b) by a period of time agreed with the Court if immediate execution of the request would interfere with an ongoing investigation or prosecution in a matter other than that to which the request relates.

2) The member of the government responsible for the judicial branch shall decide on the postponement.

3) Before deciding on a postponement in accordance with subsection 1(b), it shall be examined whether the requested mutual legal assistance can be provided immediately under certain conditions. If a postponement is decided, a request by the International Criminal Court for measures to preserve evidence must nevertheless be complied with.

Art. 17

People cargo

1) The International Criminal Court and the International Tribunal shall be authorized to serve summonses and other documents directly by mail on persons residing in Liechtenstein. This does not exclude service through the intermediary of the Office of Justice.

2) The summoned person is not obliged to obey the summons. At the request of the summoned person, the accused or his defense counsel, the member of the Government responsible for the Justice Division shall obtain an assurance from the International Criminal Court or the International Tribunal that the person will not be prosecuted, detained or subjected to other restrictions on his personal liberty for an act committed before he left the Principality of Liechtenstein.

3) At the request of the International Criminal Court or the International Tribunal, the Liechtenstein court shall order witnesses and experts summoned to appear before the International Criminal Court or the International Tribunal to pay an appropriate advance on travel expenses. This advance shall be recovered if the witness or expert fails to attend the hearing before the International Criminal Court or the International Tribunal or otherwise fails to comply with his or her obligations under the summons.

Art. 18

Interrogation of a suspected person at the request of the International Criminal Court

1) A person who, pursuant to a request from the International Criminal Court.

The person being questioned on suspicion of having committed a criminal act within his/her jurisdiction shall be informed before the questioning of the suspicion of having committed the criminal act and of the fact that he/she has the right to do so,

a) not to testify without fear that their silence would be considered in determining guilt or innocence,

b) to be represented by a defense counsel of her choice and, if she does not have a defense counsel, to request the assistance of a defense counsel pursuant to Section 26 (2) of the Code of Criminal Procedure, and

c) to be questioned in the presence of defense counsel, unless she would expressly and voluntarily waive this right.

2) The instruction and the statements made by the person to be questioned shall be recorded in the minutes. If the requirements of Section 26 (2) of the Code of Criminal Procedure are met and the person requests to be questioned in the presence of a defense counsel, the accused shall be provided with a defense counsel even without a request and shall not be required to bear the costs of such counsel.

Art. 19

Transfer of detainees to the International Criminal Court for evidentiary purposes

1) A person held in custody or in criminal custody pursuant to a Liechtenstein court decision shall, at the request of the International Criminal Court, be surrendered to the Court for the purpose of identification, interrogation, confrontation or other investigative act under conditions to be agreed upon, if he or she consents to the surrender.

2) If the person to be transferred is in custody on the basis of a request by the International Criminal Court to take over the execution of the sentence in accordance with Article 35 paragraph 1, his or her consent to the transfer is not required.

3) The transfer shall not interrupt the execution of the pre-trial or criminal detention.

Art. 20

Inspection of files and transmission of copies of files and information

1) At the request of the International Criminal Court or the International Court, legal assistance shall be rendered by the transmission of objects, files or copies of files (photocopies) and by the granting of access to files.

2) If the files concern national security, the International Criminal Court shall be consulted to determine whether the information can be obtained from another agency or in another form.

3) If the matter cannot be settled in the course of the consultations under para. 2, the Government shall, before granting access to the files or transmitting copies of the files, examine whether the interests in secrecy considerably outweigh the interests in the transmission of evidence for international criminal prosecution. If this is the case, the International Criminal Court shall be asked for an assurance of secrecy and for information on how secrecy will be maintained. This procedure shall apply mutatis mutandis to the International Tribunal in the case of files which are subject to a special obligation of secrecy or which concern national security.

4) The government must examine whether the assurance given is to be regarded as sufficient to safeguard the interests of secrecy. Inspection of files or transmission of copies of files shall be refused if secrecy cannot be guaranteed and if, in the event of disclosure, there is reason to fear that national security might be compromised.

5) Paragraphs 2 to 4 shall also apply if a person who has been requested to provide information or evidence refuses to do so on the grounds that disclosure would compromise national security.

6) If a person is questioned pursuant to a request for mutual legal assistance from the International Criminal Court, he or she shall be informed before the questioning that he or she may refuse to testify in order to prevent the disclosure of confidential information relating to national security. The instruction given shall be recorded in the minutes. The admissibility of mutual legal assistance in such a case shall be decided on the basis of the provisions of paras 2 to 4.

Art. 21

Transmission of third party file transcripts or information to the International Criminal Court.

If the International Criminal Court requests judicial assistance by transmitting copies of files (photocopies) or information that has been provided to the Liechtenstein authorities by another State or an intergovernmental or international organization under the reservation of confidentiality, the documents may be transmitted to the International Criminal Court only with their consent. The Court shall be informed of any refusal to give consent.

Art. 22

Legal assistance provided by the International Criminal Court

1) If criminal proceedings are pending before a Liechtenstein court for conduct constituting a crime within the jurisdiction of the International Criminal Court or another serious crime under Liechtenstein law, assistance may be sought from the Court.

2) Requests must be made in writing. The letters of request and the documents enclosed in support thereof shall be submitted in French or English or with a certified translation into one of these languages.

3) The courts and the prosecution shall submit requests addressed to the International Criminal Court to the Office of Justice for forwarding.

C. BOLO

Art. 23

1) If the International Criminal Court or the International Tribunal requests an arrest warrant or if the Liechtenstein authorities otherwise become aware of an arrest warrant issued by that court or tribunal, the Regional Court shall issue an alert for the arrest of the requested person in Liechtenstein for the purpose of transfer to the International Criminal Court or the International Tribunal if the request or the arrest warrant contains the necessary information about the requested person and the offense with which he is charged. Referral to the court having jurisdiction pursuant to Article 27, paragraph 1, of the MLA may be omitted if the requested person is neither a national nor if there is reason to believe that he or she is in Liechtenstein.

2) If a person wanted by the International Criminal Court or the International Tribunal is searched or arrested in Liechtenstein, the member of the Government responsible for the Justice Division shall notify the International Criminal Court or the International Tribunal through the Inter- national Criminal Police Organization (INTERPOL).

D. Detention for transfer, transfer and transit

Art. 24

Offer of transfer

1) If there are reasonable grounds for believing that a person who has entered the country has committed a criminal offence within the jurisdiction of the International Criminal Court or the international court, the public prosecutor shall, after the person has been questioned by the district judge, apply to the court for a ruling.

the submission of a statement of facts

to the member of the government responsible for the judicial branch.

2) The member of the Government responsible for the Judiciary Division shall ask the International Criminal Court or the International Tribunal whether the transfer of prosecution and the transfer are requested. If the accused is in custody, a reasonable time limit shall be set for the receipt of the request for transfer. If the request for transfer is not received in due time, the district court shall be notified thereof without delay.

3) The provisions on the offer of extradition pursuant to Art. 28 para. 1 of the Criminal Code to the state in which the criminal act was committed shall remain unaffected.

Art. 25

Temporary transfer detention

1) If there is a request for provisional arrest from the International Criminal Court or the International Tribunal, the district judge shall, at the request of the Public Prosecutor's Office, order the arrest of the requested person and impose on him provisional custody pending transfer if, on the basis of the facts communicated by the International Criminal Court or the International Tribunal, there are sufficient grounds for believing, that a person entered within the country has committed a criminal act within the jurisdiction of the International Criminal Court or the International Tribunal, which would justify the imposition of pre-trial detention (section 131 of the Code of Criminal Procedure) if the criminal act had been committed within the country.

2) Provisional transfer detention may not be imposed or maintained if the purposes of detention can be achieved by simultaneous criminal detention, pre-trial detention or extradition detention. In this case, the district judge shall order such deviations from detention as are indispensable for the purposes of provisional transfer detention for the International Criminal Court or the International Tribunal. In all other respects, the provisions of the Code of Criminal Procedure on pre-trial detention shall apply to provisional custody.

3) Provisional arrest for transfer may be revoked if the request for transfer and the attached documents are not transmitted within 60 days from the date of arrest. The release does not prevent a new arrest and transfer,

if the transfer request and the attached documents are sent at a later date.

4) The Regional Court shall immediately send to the Office of Justice, for the purpose of informing the Inter- national Criminal Court or the International Court through the International Criminal Police Organization (INTERPOL), copies of the decisions on the imposition, continuation or revocation of temporary custody pending transfer.

Art. 26

Simplified transfer to the International Criminal Court

1) If, before the expiry of the period referred to in Article 25, paragraph 3, the person placed in provisional arrest for transfer pursuant to a request of the International Criminal Court in accordance with Article 25, paragraph 1, has consented to be transferred to the International Criminal Court, the district court shall order the transfer, subject to a challenge of admissibility under Article 5, paragraph 2. In such a case, the person shall be transferred to the International Criminal Court as soon as possible.

2) The district judge shall instruct the person that his or her consent cannot be revoked. The instruction given shall be recorded in the minutes.

3) In the case of simplified surrender, the International Criminal Court may refrain from transmitting the request for surrender and the accompanying documents.

Detention for transfer and order of transfer

Art. 27

a) At the request of the International Criminal Court

1) If the International Criminal Court requests the arrest and surrender of an accused, the district judge shall, at the request of the public prosecutor, initiate surrender proceedings, order the arrest of the accused and place him in custody for surrender, and order his surrender to the International Criminal Court in accordance with the following paragraphs. It is not for the district judge to examine the suspicion on which the arrest warrant is based or the grounds for the arrest.

2) If substantial doubt arises as to the identity of the arrested person, the district judge shall cause appropriate inquiries to be made or shall request the International Criminal Court to produce additional documents. In any case

the district judge shall inform the accused of the grounds for the arrest warrant issued against him by the International Criminal Court and of his right to challenge the transfer on the grounds of violation of the principle of ne bis in idem set forth in Article 20 of the Rome Statute or on the grounds of lack of jurisdiction of the International Criminal Court under Articles 17 to 19 of the Rome Statute. In addition, the accused shall be advised of his or her right to request provisional release pending the order of transfer. The accused shall be provided with copies of the arrest warrant or sentencing decision and the relevant provisions of the Statute, together with the translation transmitted by the International Criminal Court.

3) If the accused declares that he or she wishes to challenge the transfer on the grounds of a violation of Article 20 of the Rome Statute or on the grounds of lack of jurisdiction of the International Criminal Court, the International Criminal Court shall be notified thereof, together with the necessary documents. At the same time, the Court shall be informed whether the challenge has suspensive effect.

4) The decision on transfer shall be deferred until the decision of the International Criminal Court only in the case of a challenge to admissibility under Article 5(2). In the case of a challenge by a third State to jurisdiction under Articles 17 to 19 of the Rome Statute, the procedure shall be in accordance with Article 30.

5) Until the transfer is ordered, the accused has the right to apply for provisional release. In deciding on such a request, it shall be examined whether, irrespective of the gravity of the crimes charged, there are exigent and exceptional circumstances justifying provisional release and whether the purpose of detention can be achieved by milder means (Section 131(5) of the Code of Criminal Procedure). Such an application does not have suspensive effect.

6) A request under paragraph 5 shall be communicated to the International Criminal Court with the remark that it has the right to make a recommendation thereon within seven days. The recommendation shall be taken into account in the decision on the request for release.

7) Does the International Criminal Court in its recommendation or does the prosecution oppose the release of the accus-.

If the person concerned is not in custody, the president of the higher court shall decide on the application without delay in a custody hearing.

8) The defendant shall have the right to appeal against a decision rejecting the defendant's application for provisional release within three days of the opening of the

The court has the right to file an appeal with the Supreme Court. Such an appeal shall not have a suspensive effect.

9) The only remedy against decisions to impose detention pending transfer and to order transfer shall be an appeal under Article 15 of the State Court Act. There shall be no right of appeal against a decision to initiate the transfer procedure.

Art. 28

b) At the request of the International Court

1) If the international court has issued a detention order on the basis of an indictment that has already been filed, or if the court has requested the arrest and transfer of the accused, the district judge shall, at the request of the public prosecutor, initiate transfer proceedings and, if the person sought is not yet in custody, arrange for his or her arrest, impose detention pending transfer and order his or her transfer. In other respects, the provisions of the Code of Criminal Procedure relating to pre-trial detention shall be applied mutatis mutandis to custody pending transfer in accordance with sections 128, 129(2), 130, 131(8), 133 to 137.

2) Before taking a decision, the judge shall immediately inform the arrested person of the charges or accusations brought before the International Tribunal. If there are substantial doubts as to the identity of the arrested person with the person sought, appropriate inquiries shall be made or the International Tribunal shall be requested to produce additional documents.

3) The only remedy against decisions to impose detention pending transfer and to order transfer shall be an appeal under Article 15 of the State Court Act. The public prosecutor shall have the right to appeal to the Supreme Court within three days against the decision refusing to initiate the transfer proceedings or to impose detention pending transfer and to order the transfer.

4) The person arrested must be surrendered to the International Tribunal within 14 days of the date on which the arrest for transfer was imposed. A domestic criminal or extradition proceeding does not prevent the surrender. The presentation of original transfer documents by the international court is not required.

5) The district judge shall immediately cancel the transfer detention and revoke the order of transfer:

a) if the International Tribunal so requests or otherwise revokes its request;

b) if it is determined that the person arrested is not, to all appearances, identical with the person sought; or

c) after the expiry of 14 days from the date of the arrest for transfer, if the arrested person is not surrendered to the international court within this period.

Art. 29

Transfer to the International Criminal Court or to the International Tribunal

1) After the order of surrender to the International Criminal Court or to the International Tribunal has become final, the Liechtenstein judge shall instruct the Liechtenstein police to hand over the person to be surrendered to the International Criminal Court or to the International Tribunal without delay. Unless there are serious security concerns or the International Criminal Court or the International Tribunal requests another method of surrender, the person to be surrendered shall be transported by air under escort of Liechtenstein officials.

2) The date of surrender to the International Criminal Court shall be agreed with the Court. If the surrender of the person to be surrendered is prevented by certain circumstances, a new surrender date shall be agreed with the Court.

3) The time of transfer to the International Tribunal shall be announced in due time by the National Police to the International Tribunal and to the Dutch authorities with reference to the period of detention under Article 28(4).

4) The district judge shall send a copy of the order directing the transfer to the Office of the Judiciary for forwarding to the

International Criminal Court or to the International Tribunal and also to notify the International Tribunal of the date of surrender to the International Tribunal.

Art. 30

Provisional surrender to the International Criminal Court and revocation of the o r d e r for surrender

1) If domestic criminal proceedings are pending against the accused or if he is serving a sentence in the country for an offence other than that for which transfer to the International Criminal Court has been ordered, he may be surrendered to the International Criminal Court on a provisional basis under conditions to be agreed with the International Criminal Court.

2) The district judge shall immediately cancel the transfer detention and revoke the order of transfer if:

a) the International Criminal Court so requests or otherwise revokes its request for surrender;

b) it is established that the person arrested does not appear to be identical with the person sought, or

c) the International Criminal Court finds that it lacks jurisdiction or that the proceedings before that Court are inadmissible.

Art. 31

Competing requests from the International Criminal Court and a state

1) If the Principality of Liechtenstein receives a transfer request from the International Criminal Court and an extradition request from another State concerning the same person, the member of the Government responsible for the Judiciary Division shall decide which request shall have priority in accordance with Article 90 of the Rome Statute.

2) If the member of the Government responsible for the Judiciary Division has given priority to an extradition request from another State over a surrender request from the International Criminal Court, but the extradition request is subsequently refused or withdrawn, the International Criminal Court shall be notified thereof without delay.

Art. 32

Speciality of transfer to the International Criminal Court

1) A person transferred to the International Criminal Court under this Act shall not be prosecuted, detained or tried for any act committed prior to the transfer other than the act on which the transfer is based.

2) At the request of the International Criminal Court, the latter may be exempted from the restrictions contained in paragraph 1. Before deciding on the request, the International Criminal Court may ask for a record to be transmitted to it.

about the statements of the transferred person and to ask for additional information.

3) The decision on the request shall be taken by the member of the Government responsible for the Judiciary Division. Exemption shall be granted if the act on which the request is based falls within the jurisdiction of the International Criminal Court and there are no grounds for challenging the admissibility of the proceedings before the International Criminal Court under Article 5, paragraph 2.

Art. 33

Through delivery and through transportation

1) At the request of the International Criminal Court, persons are extradited through Liechtenstein and held in custody to secure extradition.

2) A request for permission to transit is not required if the person is transported by air and a stopover on Liechtenstein territory is not foreseen.

3) In the event of an unforeseen stopover, the person to be extradited shall be arrested and the International Criminal Court shall be requested to transmit a request for extradition accompanied by the documents referred to in article 89, paragraph 3(b), of the Rome Statute.

4) The person to be extradited shall be released if the request for transit has not been received within 96 hours. Detention shall not prevent a new arrest on the basis of a request pursuant to Article 25(1) or Article 27(1).

5) The member of the government responsible for the judicial branch shall decide on the transit. The extradition shall be

provided that this does not prevent or delay the transfer. A domestic criminal claim for a criminal act not falling within the jurisdiction of the International Criminal Court shall not prevent extradition. There shall be no right of appeal against the granting of transit.

6) Paragraphs 1 to 3 and 5 shall apply to requests by the International Criminal Court or by a State which has assumed responsibility for the enforcement of a sentence imposed by the Court for the transit of persons through the territory of the Principality of Liechtenstein, provided that, in the event of an unforeseen stopover, the International Criminal Court shall request the transmission of a copy of the request.

of a request for transit, accompanied by a copy of the legally valid judgment.

7) At the request of the International Tribunal or of a State which has assumed the enforcement of a sentence imposed by that Tribunal, the first and fourth sentences of paragraphs 1 and 5 shall apply mutatis mutandis.

E. Taking over the execution of custodial sentences Art. 34

General provisions

1) The Principality of Liechtenstein may assume the enforcement of custodial sentences imposed by the International Criminal Court or the International Tribunal if the sentenced person:

a) holds Liechtenstein national citizenship; or

b) has its habitual residence in Liechtenstein.

2) The sentences of imprisonment imposed by the International Criminal Court or the International Tribunal shall be executed immediately. Adjustment of the sentence imposed is not permitted. In accordance with the orders of the International Criminal Court or the International Court, the provisions of Liechtenstein law applicable to the execution of sentences shall be applied to the execution, with the proviso that the conditions of imprisonment shall correspond to those of persons who have been convicted in Liechtenstein for comparable acts.

3) The execution of sentences of imprisonment imposed by the International Criminal Court shall be subject to the supervision of the Court. At the request of

The members of the International Criminal Court or the International Tribunal shall be granted access to the enforcement facilities.

4) If a person sentenced by the International Criminal Court who has been accepted for execution of a sentence is eligible under Liechtenstein law for execution of a sentence in a relaxed form, which would involve work without guard outside the correctional facility, the International Criminal Court shall be informed of this circumstance before the work is ordered. Its opinion shall be taken into account in the decision.

5) Persons convicted under this section shall be allowed to communicate freely and in confidence in writing with the International Criminal Court and the International Tribunal.

Art. 35

Procedure for taking over the execution of the sentence

1) If the International Criminal Court or the International Court has determined that a convicted person must serve the custodial sentence imposed on him or her in Liechtenstein, and if a request is made to take over the convicted person for the execution of the sentence, the custodial sentence imposed shall be executed in Liechtenstein upon acceptance of the request by the Office of Justice.

2) The member of the Government responsible for the Justice Division may only refuse to take over the execution of a custodial sentence imposed on one of the persons referred to in para. 1 if it would entail unjustifiable disadvantages for the security and public order of the Principality of Liechtenstein. No appeal shall be admissible against the decision of the member of the Government responsible for the Justice Division.

3) The decision of the member of the Government responsible for the Judicial Branch shall be transmitted to the International Criminal Court or the International Tribunal with the request to propose to the Liechtenstein authorities the place and time of the transfer of the convicted person. The Liechtenstein authorities concerned with the execution of the transfer of the convicted person shall maintain consultation with the organs of the International Criminal Court and the International Tribunal as well as with the foreign authorities.

4) If the sentenced person escapes from custody before completion of the execution of the custodial sentence, the regional court shall issue an arrest warrant and initiate the search. If the wanted person is subsequently arrested abroad, the court shall, even without a request from the public prosecutor's office, obtain the imposition of custody pending extradition in accordance with Art. 69 of the RHG and transmit to the Office of Justice the documents required under Art. 68 of the RHG. The member of the Government responsible for the Judiciary Division shall obtain the extradition unless the requested State agrees to the transfer without extradition proceedings or the International Criminal Court or the International Tribunal decides otherwise.

5) The time spent in custody in the requested State, the International Criminal Court or the International Tribunal shall be credited against the custodial sentence to be served.

6) If persons are arrested in Liechtenstein who have escaped from the execution of a custodial sentence imposed by the International Criminal Court or the International Tribunal, the transfer of such persons to the State which has taken over the execution shall be carried out in accordance with the provisions on the transfer of persons to the International Criminal Court or the In ternational Tribunal.

Art. 36

Enforcement specialty

1) A person taken over for the enforcement of a custodial sentence imposed by the International Criminal Court or the International Tribunal may not be prosecuted or punished in Liechtenstein, nor may his personal liberty be restricted, nor may he be extradited to a third State, without the consent of the International Criminal Court or the International Tribunal, for an act committed before his surrender to which the judgment of the International Criminal Court or the International Tribunal does not relate.

2) The speciality of enforcement does not prevent such a measure if:

a) the person, after release from a sentence of imprisonment imposed by the International Criminal Court, remains in custody for more than 30 days or from a sentence of imprisonment imposed by the International Court for more than

45 days on the territory of the Principality of Liechtenstein, although she could and was allowed to leave it;

b) the person leaves the territory of the Principality of Liechtenstein by whatever means and returns voluntarily or is lawfully repatriated from a third state; or

c) the International Criminal Court or the International Tribunal waives compliance with the specialty.

Art. 37

Reports on the penitentiary system

The prison in which the prisoner is serving the term of imprisonment imposed by the International Criminal Court or the International Court shall submit a management and health report to the member of the Government responsible for the Justice Division at least once a year and after completion of the execution. The member of the Government responsible for the Judiciary Division shall be reported immediately if the prisoner has escaped from custody before the completion of the execution of the custodial sentence or if the execution is no longer possible for other reasons. Such reports shall be promptly brought to the attention of the International Criminal Court or the International Tribunal.

Art. 38

Conditional release and pardon

1) On the conditional dismissal, a pardon or the reduction of the

The International Criminal Court shall decide on the release on parole, pardon or modification of the sentence of a person sentenced by the International Tribunal, and the President of the International Tribunal shall decide on the release on parole, pardon or modification of the sentence of a person sentenced by the International Tribunal.

2) If the sentenced person submits an application for conditional release, pardon or reduction of sentence, this shall be submitted to the Office of Justice for forwarding to the International Criminal Court. The same shall apply mutatis mutandis to the forwarding of applications for conditional release, pardon or reduction of sentence to the International Tribunal, with the proviso that they must be followed by a communication from the Office of Justice concerning the time requirements under section 46 of the Criminal Code.

3) Circumstances in favor of conditional release, pardon, reduction of sentence or modification of sentence shall be reported ex officio to the International Tribunal or to the International Court.

Art. 39

Transfer of the execution of the sentence to another state

1) The assumed execution of the sentence may, with the consent of the international court, be transferred to a third State at its request.

2) A request by the International Criminal Court or the International Tribunal for the transfer of a prisoner to another State for the purpose of continuing the execution of the sentence shall be complied with promptly.

3) If a prisoner requests the execution in another State of a sentence of imprisonment imposed on him by the International Criminal Court or by the International Tribunal, his request shall be forwarded to the International Criminal Court or to the International Tribunal.

Art. 40

Termination of the execution of the sentence

1) If the International Criminal Court or the International Court notifies that the execution of the sentence of imprisonment is to be terminated, the prisoner shall be released immediately or surrendered to the authority responsible for the execution of alien police regulations, unless domestic criminal proceedings or extradition proceedings are pending or there is reason to initiate such proceedings.

2) Prosecution, punishment or extradition for a crime committed prior to the acquisition of the

The execution of an act committed during the execution of the sentence shall be permissible only in accordance with Art. 36.

Art. 41

Costs of the penitentiary system

1) The ordinary costs of the execution of the sentence shall be borne by the Principality of Liechtenstein.

2) Other costs, including the costs of transferring the sentenced person to or from the Court or from or to another executing State and the costs of an expert opinion requested by the International Criminal Court, shall be borne by them.

Art. 42

Execution of prison sentences for crimes against the administration of justice

This Act shall not apply to the execution of sentences of imprisonment imposed by the International Criminal Court for offences against the administration of justice under Article 70 of the Rome Statute, with the exception of the provisions of Article 34, paragraphs 1 and 5, Article 35, paragraphs 1 to 5, and Article 41. The procedure shall be governed by Articles 65 to 67 of the RHG.

F. Taking over the enforcement of fines, property orders, restitution orders and restitution decisions.

Art. 43

Taking over the enforcement of fines and pecuniary orders of the International Criminal Court and the International Court of Justice.

1) A request by the International Criminal Court or the International Tribunal for the enforcement of a decision imposing a fine or making an order for the payment of property shall be complied with if the fine is expected to be collected in the country or if the property or assets covered by the decision are located in the country. Prior to the granting of enforcement, the person sentenced to pay the fine and persons claiming rights to the objects or assets shall be heard. The sentenced person may not be heard if he or she is unreachable.

2) The District Court shall decide on the request for enforcement of a fine or a property order by means of an order. No adjustment of the fine or pecuniary order imposed by the International Criminal Court or the International Tribunal shall be admissible. The public prosecutor shall have the right to appeal against the decision.

The appeal to the Supreme Court is open to the company and the person concerned within 14 days.

3) A fine imposed by the International Criminal Court or the International Tribunal shall be enforced in Swiss francs. If the amount of the fine to be enforced is expressed in a currency other than Swiss francs, the conversion shall be made at the official exchange rate in effect at the time of the decision of the International Tribunal or the International Court.

4) Any relief granted by the International Criminal Court or the International Tribunal with respect to the date of payment of fines imposed or their payment in installments shall be taken into account.

5) If the enforcement of all or part of a fine imposed by the International Criminal Court or the International Tribunal proves impossible, the International Criminal Court or the International Tribunal shall be informed of this circumstance.

6) If the International Criminal Court or the International Tribunal imposes a sentence of imprisonment on the convicted person on account of the irrecoverability of the fine imposed and requests the Principality of Liechtenstein to enforce it, the provisions of Articles 34 to 41 shall apply.

7) If it proves impossible to enforce a property order pronounced by the International Criminal Court and the International Tribunal, the district court shall impose a value penalty and take measures to recover the equivalent value of the objects or property.

8) The proceeds from the enforcement of fines and property orders shall, subject to the provision of paragraph 9, be transferred to the International Criminal Court or to the International Tribunal.

1) Amounts, objects or other assets may be retained in the Principality of Liechtenstein if:

a) the aggrieved person is domiciled or habitually resident in Liech- tenstein and they are to be surrendered to him;

b) an authority asserts rights to them;

(c) a person not involved in the criminal act claims rights thereto; or

d) they are required for criminal proceedings pending in Liechtenstein.

2) If a person asserts a claim under paragraph 9, the sums of money or objects may be handed over only with the agreement of the International Criminal Court or the International Tribunal.

3) Provisions of this section shall also apply to the enforcement of fines imposed by the International Criminal Court for offences against the administration of justice under Article 70 of the Rome Statute.

Art. 44

Taking over the execution of restitution orders and restitution decisions

1) The execution of the decision of the International Criminal Court by which a reparation order directed to the payment of a sum of money has been finally pronounced shall be admissible at the request of the International Criminal Court if the recovery is expected in the country.

2) Enforcement shall be governed by Art. 43.

3) Final decisions of the International Criminal Court or the In ternational Court on restitution of property or proceeds of criminal acts shall be deemed to be findings of foreign courts that meet the conditions of Article 52 of the Code of Execution.

G. Effect of the decisions of the International Criminal Court or the In ternational Court.

Art. 45

A final judgment of the International Criminal Court or of the International Court of Justice shall constitute full proof of the findings made therein on the basis of an evidentiary procedure in proceedings before the Liechtenstein courts for damages of the victim against the convicted person. Proof of the incorrectness of the findings shall be admissible.

H. Taking over the prosecution for crimes against the administration of justice

Art. 46

1) At the request of the International Criminal Court, the prosecution of the offences against the administration of justice of the Court enumerated in article 70, paragraph 1, of the Rome Statute, committed on Liechtenstein territory or by Liechtenstein nationals, may be undertaken.

2) In the assessment of these offences, it shall be proceeded as if the International Criminal Court were a Liechtenstein court and its officials were Liechtenstein officials.

3) Art. 60 MRL is to be applied with the proviso that the references to the requesting State contained in this provision are as such to the International

Criminal Court are to be understood.

I. Trust Fund Art.

47

1) A trust fund shall be established to be administered by the government.

2) Transferred to the Trust Fund:

a) proceeds from the enforcement of fines and property orders pronounced by the International Criminal Court or the International Tribunal, provided that the International Criminal Court or the International Tribunal waives surrender and no claims are made under Article 43, paragraph 9;

(b) proceeds from the enforcement of fines and property orders pronounced by a domestic court, provided that such fines and property orders were pronounced pursuant to a domestic conviction for genocide, crimes against humanity, war crimes, or crimes of aggression;

c) voluntary donations.

3) Assets from the trust fund may be used at the discretion of the government:

(a) for the benefit of victims of genocide, crimes against humanity, war crimes or crimes of aggression, and for the benefit of their dependents;

(b) to cover legal costs incurred by the judiciary for any of the crimes referred to in subparagraph (a); or

c) as a voluntary contribution to the Trust Fund of the International Criminal Court.

III. final provisions

Art. 48

Executive Orders

The Government shall issue the regulations necessary for the implementation of this Act.

Art. 49

Entry into force

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

XIII. ZIGV

Regulation

from 28 November 2017

on Cooperation with the International Criminal Court and Other International Tribunals (CIC)

Based on Article 1(1a) and Article 48 of the Act of 20 October 2004 on Cooperation with the International Criminal Court and Other Inter- national Courts (ZIGG), LGBl. 2004 No. 268, and in execution of Resoluti- ons 1966 (2010) of 22 December 2010 and 71/248 of 21 December 2016 of the Security Council and the General Assembly of the United Nations, respectively, the Government decrees:

Art. 1

International courts

International courts within the meaning of Article 1(1)(b) of the Act are also:

(a) the International Residual Mechanism for Ad hoc Criminal Tribunals established by United Nations Security Council Resolution 1966 (2010) of December 22, 2010;

(b) The international, impartial and independent mechanism established by United Nations General Assembly resolution 71/248 of 21 December 2016 to assist in the investigation and prosecution of those responsible for the most serious crimes under international law committed in the Syrian Arab Republic since March 2011.

Art. 2 Repeal of previous law

The Ordinance of September 4, 2012 on Cooperation with the Inter- national Criminal Court and Other International Courts (ZIGV), LGBl. 2012 No. 279, is repealed.

Art. 3

Entry into force

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