

**Security Council**

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**Letter dated 21 December 2001 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council**

The Counter-Terrorism Committee has received the attached report from Liechtenstein, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you would arrange for this letter and its annex to be circulated as a document of the Security Council.

*(Signed)* **Jeremy Greenstock**  
Chairman  
Counter-Terrorism Committee



**Annex**

[Original: English]

**Note verbale dated 21 December 2001 from the Permanent Representative of Liechtenstein to the United Nations addressed to the Chairman of the Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism**

The Permanent Representative of Liechtenstein to the United Nations presents her compliments to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism and has the honour to transmit herewith the report of Liechtenstein prepared in accordance with paragraph 6 of resolution 1373 (2001) (see enclosure).

**Enclosure****Report of the Principality of Liechtenstein to the Counter-Terrorism Committee established pursuant to Security Council resolution 1373 (2001)****Contents**

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## Introduction

1. Liechtenstein has consistently condemned terrorism in all its forms and manifestations and regardless of the reasons that are invoked to justify it. While terrorism had become an ever growing concern for the international community even prior to 11 September, the attacks on the United States of America on that date illustrated the dimensions of the threat posed by terrorism.
2. A strong consensus emerged quickly after 11 September that international cooperation in all relevant areas was indispensable in order to bring those to justice who are responsible for terrorist attacks and to prevent terrorism, in particular international terrorism. Liechtenstein therefore expressed its support for resolution 1373 adopted by the Security Council on 28 September and is committed to its full implementation.
3. Liechtenstein is also of the view that the fight against terrorism, on the national and international levels, must be in full conformity with international human rights standards and that the promotion and protection of human rights must not fall victim to the fight against terrorism. Furthermore, the fight against terrorism can only be successful in the long term, if the international community also tackles the root causes of this scourge. Eradication of poverty, providing education, the spread of democratic political systems, the strengthening of the rule of law and designing mechanisms for the peaceful resolution of conflicts are some of the steps necessary for achieving this goal.
4. The Counter-Terrorism Committee (CTC) established pursuant to operative paragraph 6 of resolution 1373 has the task of monitoring the implementation of said resolution. Liechtenstein expresses its appreciation for the transparent manner in which the Committee has so far conducted its work, since transparency and fairness are indispensable for securing the full implementation of resolution 1373 on the global level.
5. Resolution 1373 has a strong focus on the issue of financing of terrorism. Liechtenstein fully agrees that stopping the flow of financial funds to terrorist groups is an essential element of the international fight against terrorism and is determined to ensure that its financial center is not abused for criminal purposes, including terrorist activities. It is therefore fully committed to the implementation of resolution 1373 and has the necessary instruments in place to do so. It is also of the view, however, that the implementation of the resolution must not offer an occasion to venture into other areas of international financing. It is worth noting in this context that bank secrecy as practiced in Liechtenstein does not provide protection to terrorists and their financial activities.
6. In the aftermath of 11 September, several international organizations have put a strong emphasis on combating the financing of terrorism. These efforts are most welcome, but also warrant coordination between the different bodies in order to avoid duplication and overlap. This need is already being partially addressed, e.g., through a meeting of the Council of Europe Select Committee of Experts on the Evaluation of Anti-Money Laundering Measures (PC-R-EV) with the Financial Action Task Force (FATF) on 12 December 2001 in Strasbourg. Effective coordination will be of great importance to ensure transparency and the intended results in suppressing the financing of terrorism.
7. The principles of best practices and benchmarking should play an important role in the efforts of the international community to suppress the financing of terrorism. International organizations in particular should provide opportunities for States to exchange their experiences and to present models which have proven successful. Benchmarking is an important element for ensuring that uniform and high levels of implementation and enforcement are observed on the global level. Liechtenstein has publicly and repeatedly called for advocating these principles at, among others, the Council of Europe on 8 November, the European Conference on 20 October, the EEA meeting of Ministers, the OSCE meeting of Ministers on 3 and 4 December 2001 in Bucharest and at the General Debate of the General Assembly of United Nations on 13 November 2001.

8. The present report, submitted in accordance with operative paragraph 6 of resolution 1373, consists of two parts. Part I gives a general overview of the contribution of Liechtenstein to the fight against terrorism, both within the framework of international organizations as well as on the bilateral and the national level. It furthermore outlines three specific initiatives that are to contribute to the full implementation of resolution 1373. In accordance with the guidance provided by the CTC, Part II constitutes the core of the report. For the sake of clarity, the questions contained in the relevant note of the Chairman dated 26 October 2001 are reproduced and answered in a clear and concise manner.
9. Annex 1 to the report contains the relevant articles of the penal code of Liechtenstein, annex 2 lists the relevant international legal instruments to which Liechtenstein is a State Party.

## **I. General Contribution of Liechtenstein to the Fight against Terrorism**

### **A. International level (in particular in the framework of international organizations)**

10. Liechtenstein has given careful attention to the fight against terrorism on the international level, in particular in the framework of international organizations.

#### *United Nations*

11. Liechtenstein has implemented Security Council resolutions 1267(1999) and 1333(2000) providing for measures to be taken against the Taliban. These resolutions were implemented through ordinances based on the Liechtenstein legislation for the implementation of sanctions mandated by the United Nations Security Council. Resolutions 1267 and 1333 were implemented through ordinances of 10 October 2000 (LGBl. 2000, No. 186), 16 October 2001 (LGBl. 2001 No. 165), 6 November 2001 (LGBl. 2001 No. 167) and 14 November 2001 (LGBl. 2001 No. 180). All entities and individuals contained in the consolidated list issued by the Sanctions Committee concerning Afghanistan on 26 November (i.e. list pursuant to para. 4(b) of Security Council resolution 1267 and list pursuant to para. 8(c) of Security Council resolution 1333) are thus covered by legal provisions in force.
12. Liechtenstein has ratified the majority of the legal instruments on terrorism (cf. Annex 2). It has furthermore actively participated in the elaboration of the International Convention for the Suppression of Terrorist Bombings and of the Convention on the Suppression of the Financing of Terrorism, which was signed by Liechtenstein on 2 October 2001. Liechtenstein attaches the highest priority to becoming a State Party to these two conventions at the earliest date possible. Liechtenstein has also supported the elaboration of a comprehensive convention against terrorism, which is under consideration in the ad hoc Committee established by the Sixth Committee of the General Assembly. Liechtenstein has furthermore actively participated in the work of the Third Committee on the issue of human rights and terrorism.
13. Liechtenstein is furthermore a State Party to a number of conventions that are not legal instruments aimed at combating terrorism specifically, but nevertheless make an important contribution to the fight against terrorism, such as the Rome Statute of the International Criminal Court of 17 July 1998, the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction of 13 January 1993 and the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Bacteriological (Biological) Weapons and Their Destruction of 10 April 1972. It is also a signatory of the Palermo Convention to Combat International Organized Crime of 12 December 2000.

Organization on Security and Cooperation in Europe (OSCE)

14. Liechtenstein has participated in the elaboration of the Bucharest Plan of Action for Combating Terrorism, adopted by the OSCE Ministerial Council on 4 December 2001, which is complementary to the efforts of the United Nations in this area and *inter alia* calls for the ratification of the 12 United Nations Conventions by the OSCE Participating States. Liechtenstein has also given financial support for the holding of the Bishkek International Conference on Enhancing Security and Stability in Central Asia, held on 13 and 14 December 2001.
15. On the occasion of the Ministerial Council in Bucharest, Liechtenstein presented the measures it has taken with regard to its financial center, and promoted best practices in the area of combating the financing of terrorism. It furthermore suggested an initiative on benchmarking, in particular with respect to due diligence.

Council of Europe

16. The efforts of the Council of Europe in the fight against terrorism are also supportive of and complementary to the work of the United Nations in this area. Liechtenstein actively contributes to the increased activities of the Council of Europe aimed at countering terrorism. Under the Liechtenstein chairmanship of the Committee of Ministers (May-November 2001), the Council of Europe established a Multidisciplinary Group on International Action against Terrorism (GMT) which is to review the operation of, and to examine the possibility of updating existing Council of Europe international instruments applicable to the fight against terrorism, taking into account the work under way in other fora, in particular in the United Nations.
17. Furthermore, the 24th Conference of European Ministers of Justice, held in Moscow on 4-5 October 2001, called upon all Member States of the Council to ratify the International Convention for the Suppression of the Financing of Terrorism and the Rome Statute of the International Criminal Court and to participate actively in the elaboration of a comprehensive Convention on International Terrorism.
18. In order to strengthen cooperation of the Council of Europe with the OSCE in this field, the Liechtenstein chair convened a high-level coordination meeting in Vaduz on 30 October 2001. Participants of that meeting (Chairman-in-Office, Secretary General, President of the Parliamentary Assembly of both organizations) agreed, *inter alia*, to undertake joint efforts in addressing the root causes of terrorism, including through multicultural and inter-religious dialogue.
19. During its 109th session on 8 November 2001 the Committee of Ministers adopted the Convention on Cybercrime, the first international treaty on criminal offences committed on the Internet and other computer networks. In the meantime the GMT has been instructed to examine the possibility of supplementing the Cybercrime Convention by a protocol on the criminalization of terrorist messages on the Internet and the decoding thereof.
20. The Council of Europe Select Committee of Experts on the Evaluation of Anti-Money Laundering Measures (PC-R-EV), a FATF-style regional body in which Liechtenstein is a full member, decided at its 8th plenary session (Strasbourg, 10-14 December 2001) to assess the anti-money-laundering regimes of its members against the FATF Special Recommendations on Terrorist Financing. From 9-11 April 2002 Liechtenstein will organize the 4th PC-R-EV Meeting of Experts on Money Laundering Typologies in Vaduz. This will provide a forum for financial and legal experts from PC-R-EV member countries, together with representatives from FATF countries, to discuss the prevailing money laundering methods, the emerging threats, and any effective countermeasures that have been developed. One of the issues to be discussed is measures against terrorist financing.

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## Financial Action Task Force (FATF)

21. Liechtenstein attaches particular importance to its status as a financial center. In this respect, it has worked over the past years closely with the Financial Action Task Force (FATF) of the OECD to improve its legislation and enforcement mechanisms to combat money-laundering and organized crime both on the national level and within the framework of international co-operation. In this respect, the following legislative measures have been taken over the past five years: Inclusion of money-laundering in the Criminal Code, adoption of the Due Diligence Act and adoption of a new Law on International Mutual Assistance in Criminal Matters of 2000 (LGBl. 2000 Nr. 215). Furthermore, significant steps have been undertaken to strengthen the national enforcement mechanisms and to further enhance international cooperation in this area. On 21 June 2001, the FATF deleted Liechtenstein from its list of non-cooperative countries and territories, acknowledging expressly the tightened legal provisions and the efforts to strengthen their enforcement. The cooperation and the dialogue between the FATF and the competent authorities in Liechtenstein on this and other relevant matters continue.
22. While a clear distinction must be made between money-laundering and the financing of terrorism, in particular as regards the sources of the funds in question, there are nevertheless important similarities both between the financial transactions involved and measures necessary to combat them. The FATF, at its extraordinary Plenary on the Financing of Terrorism on 29 and 30 October 2001 in Washington D.C. has therefore expanded its mission beyond money-laundering and will also focus its expertise on the world-wide efforts to combat financing of terrorism. The Special Recommendations issued at this Plenary by the FATF are currently under consideration by the competent authorities in Liechtenstein.

### **B. Bilateral level**

23. The Liechtenstein authorities cooperate closely with their counterparts worldwide to combat terrorism. Such cooperation is extended either on the basis of international conventions such as the European Convention on Mutual Legal Assistance in Criminal Matters of 1959 or on national legislation, in particular the law on mutual legal assistance, which replaced previous legislation on the same subject.
24. In the aftermath of 11 September, funds belonging to an organization suspected of supporting terrorist activities were traced back to the Al Taqwa company, which is registered in Liechtenstein. These funds were immediately frozen by the competent authorities, and judicial assistance in this matter was extended to the authorities of neighboring Switzerland. The Liechtenstein law enforcement authorities also cooperated with their counterparts in the United States of America regarding this case, and all requested information was provided to the competent authorities of the United States. An audit is currently being conducted regarding the Asat Trust, the fiduciary that was in charge of the accounts of the company in question. This audit will be concluded as soon as possible.

### **C. National level**

25. While Liechtenstein has no specific anti-terrorism legislation, its penal code contains a wide range of provisions which cover offences committed by terrorists. These provisions are listed in Annex 1.
26. The economy of Liechtenstein is dominated by the commercial and industrial sectors; the financial sector is, however, also an important component of the Liechtenstein economy, accounting for 28% of the Gross Domestic Product. It is the financial sector that is most affected by the measures taken in response to 11 September, and the Government is therefore giving highest priority to the implementation of the aspects concerning financing of terrorism.
27. In light of this situation, the following authorities are most involved in dealing with the events of 11 September 2001:

- the Office of the Public Prosecutor;
  - the Liechtenstein Police;
  - the Financial Intelligence Unit (FIU);
  - the Due Diligence Unit.
28. The Government decision of 31 October 2001 (RA 1/2972-7400) has brought these authorities together into a task force (Terrorist Financing Coordination Group) under the guidance of the Financial Intelligence Unit. This coordination is of decisive importance for the operative implementation of the measures to combat financing of terrorism. The Office of the Public Prosecutor has initiated domestic criminal proceedings in connection with Asat Trust and Al Taqwa.
29. The Liechtenstein Police follows the intense exchange of information through Interpol and bilaterally, in particular with the competent authorities of the neighboring countries. At the end of September 2001, the FIU sent a list with 386 names for purposes of clarification to all financial institutions in the country. Following this sensitization and various accounts in the press, six Suspicious Transaction Reports (STR) were submitted to the FIU by the end of November. Examinations of the transactions are ongoing, in particular with the various partner FIUs. The Due Diligence Unit is undertaking an in-depth examination of a financial institution regarding possible involvement in terrorist activities or networks.
30. The Due Diligence Act requires fiduciaries and lawyers in Liechtenstein to reveal all beneficial owners and business relationships to the Liechtenstein banks by 31 December 2001. As the competent oversight authority, the Due Diligence Unit verifies the fulfillment of these obligations. Especially with regard to profiles of business relationships, the Liechtenstein law therefore goes beyond the law of other known financial centers. Thanks to these measures, it is possible to determine persons suspected of terrorism more accurately and to examine suspicious transactions.

#### **D. Initiatives**

31. Liechtenstein is committed to continuing the fight against terrorism in a decisive manner; in this context, Liechtenstein is undertaking to support the fight with three initiatives. In addition to these initiatives, please refer to paragraph 7, detailing the international "best practices" and "benchmarking" initiatives.
32. The Government intends to make an expert available to the CTC. A financial expert is being sought who has international banking experience and who is familiar with the implementation procedures in Liechtenstein. The expert should be selected in the winter of 2002 and, after a short training period, be made available to the CTC.
33. The Government is convinced that in particular the procedure for granting asylum must be examined in-depth in connection with combating terrorism. A balance must be carefully struck between efficient counter-terrorism in accordance with Security Council Resolutions 1269 and 1373 and the strict application of guaranteed human rights and procedural guarantees to which Liechtenstein is obligated under international law. Liechtenstein ratified the European Convention on Human Rights in 1982 and is State Party to a number of international legal instruments in this area. The Government will examine this context in detail and develop guidelines for the competent authorities by the end of March 2002.
34. Liechtenstein has many tools at its disposal to criminally prosecute terrorist activities; there is, however, no terrorism law *per se* or a corresponding terrorism provision in the penal code.
35. Any legal amendments or additions must be harmonized in detail with possible interdependencies and international obligations, in particular in relationship to Switzerland. By the end of January 2002, the Government will commission an analysis of the legal framework and recommendations for improvements in



the area of counter-terrorism, taking into consideration the existing international obligations, in particular Security Council resolution 1373, and the ratified international treaties and conventions.

## II. Implementation of Security Council Resolution 1373

### A. Paragraph 1

#### Sub-paragraph a)

*What measures if any have been taken to prevent and suppress the financing of terrorist acts in addition to those listed in your responses to questions on 1(b) to (d)?*

36. Liechtenstein does not tolerate, in any form, the support of terrorist activities from its territory. Bank secrecy only applies if it has not been suspended through a court order (search of premises, examination of witnesses, confiscation, etc.) in domestic proceedings or when rendering mutual legal assistance. Bank secrecy in no way poses an obstacle to combating the financing of terrorism. The new law on mutual legal assistance has made legal assistance pursuant to requests by foreign authorities easier and more practical. The procedure has been accelerated through a modification of the subject-matter jurisdiction at the administrative level. In contrast to the old law, which granted 12 means of appeal against a decision to grant legal assistance, the new law offers only four. The request for legal assistance by Swiss authorities in the Al Taqwa case was, for instance, granted within just a few days, and the documents were transmitted directly to Bern.
37. Cooperation of the financial institutions with the authorities is efficient and fast. The Financial Intelligence Unit (FIU) is the authority with primary responsibility. The FIU is also responsible for international information exchange at the administrative level, to the extent that financing of terrorism is at issue and the information exchange is not undertaken through police channels (Interpol).
38. Annex 1 lists all relevant penal code articles. The following provisions should be emphasized: In accordance with § 12 of the Liechtenstein Penal Code (Strafgesetzbuch; StGB), all participants in a criminal act are treated as perpetrators. Thus, not only the person who actually commits the act in question (in this context, the terrorist act) is held responsible, but also every participant (such as every financial institution) who has directed another person to commit the act, or who has contributed to the commission of the act in any way. In addition, § 97a of the Criminal Procedure Code (Strafprozessordnung; StPO) provides for preventive measures. This entails, *inter alia*, that assets to which a criminal organization has the right of disposal shall be subject to a judicial prohibition of disposal. § 165 StGB, which criminalizes money laundering, should also be mentioned. The definition of this crime builds on the corresponding provisions in other countries. The maximum penalty is three years imprisonment; if money laundering is committed as a member of a criminal organization, five years imprisonment may be imposed (§ 278a para. 2). § 278a stipulates the punishability of criminal organizations and therefore also of terrorist organizations.
39. The Due Diligence Act (Sorgfaltspflichtgesetz; SPG) is an administrative law that subjects financial institutions to a broad spectrum of obligations. Of particular importance is the obligation to "know your customer", i.e., to reveal the beneficial owner and to create a profile of the business relationships. The law also requires all financial institutions to report suspicions to the FIU, if the financial institution suspects its client to be connected to a criminal organization or to have been involved in money laundering or in an act facilitating money laundering. Parallel to the reporting requirement, the assets to which the report pertains are automatically frozen for up to 10 working days after submission of the report. This legal preventive framework has so far resulted in the measures listed in paragraphs 36 to 39.
40. Liechtenstein will continue to participate actively in the international efforts to suppress terrorist financing. A particular emphasis will be placed on practical cooperation. As indicated in paragraph 20, Liechtenstein will host the fourth typology seminar of the PC-R-EV. This seminar will provide the opportunity to engage in

a workshop examining the financing of terrorism in-depth, with a special focus on initiating criminal proceedings pursuant to intelligence exchange. This theme was confirmed at the plenary assembly of the PC-R-EV in Strasbourg on 13 December 2001. The Government will assign the competent authorities the task of implementing the eight special recommendations of the FATF concerning counter-terrorism (decided at the plenary assembly of the FATF in Washington, D.C., on 29/30 October 2001).

Sub-paragraph b)

*What are the offences and penalties in your country with respect to the activities listed in this sub-paragraph?*

41. See also answers to the question in sub-paragraph a). The following provisions of the Penal Code are particularly relevant:

- § 126a: Destruction of data
- § 131a: Theft of data
- § 133: Embezzlement
- § 134: Misappropriation
- § 146: Fraud
- § 147: Serious fraud
- § 148: Commercial fraud
- § 153: Breach of fiduciary duties
- § 156: Fraudulent bankruptcy
- § 165: Money laundering
- § 223 - § 225: Forgery and falsification of documents

42. As already indicated in paragraph 35, the Government will commission an expert study to analyze the existing legal framework and to recommend improvements.

Sub-paragraph c)

*What legislation and procedures exist for freezing accounts and assets at banks and financial institutions? It would be helpful if States supplied examples of any relevant action taken.*

43. A Liechtenstein law on measures concerning economic transactions with foreign states provides the basis for the implementation by Government ordinance of all sanctions adopted by the United Nations Security Council. In the case of financial sanctions, such as on the basis of Security Council resolutions 1267 and 1333, the list of persons and entities approved by the Security Council is made legally binding through publication in the enactment of the decree and in the *Landesgesetzblatt* (legal gazette).

44. As a consequence, all assets of the listed entities are automatically frozen, and the financial institutions administering these assets are required to notify the Government regarding the frozen assets immediately. The Terrorist Financing Coordination Group then coordinates further steps. The Office of the Public Prosecutor decides whether to undertake criminal proceedings.

45. In the case of entities not appearing on the UN lists, the financial institution is required to submit a Suspicious Transaction Report (STR) to the FIU if the applicable legal provisions (Art. 9 para. 2 of the Due Diligence Act) are fulfilled. In such cases, the affected assets are automatically blocked for a period of 10 working days upon submission of the STR; the Office of the Public Prosecutor is the authority competent to decide whether further blocking of assets is legally justified. Six STRs have been submitted under this procedure so far, all of which were forwarded by the FIU to the Office of the Public Prosecutor. They are currently being examined.

Sub-paragraph d)

*What measures exist to prohibit the activities listed in this sub-paragraph?*

46. The measures and examples are listed in sub-paragraphs a) through c). They have so far proven to be efficient and fast. As mentioned in para. 35 above, the Government will furthermore commission a study on the existing legal framework and on possible improvements thereon.

**B. Paragraph 2**Sub-paragraph a)

*What legislation or other measures are in place to give effect to this sub-paragraph? In particular, what offences in your country prohibit (i) recruitment to terrorist groups and (ii) the supply of weapons to terrorists? What other measures help prevent such activities?*

47. The following provisions of the Penal Code should be emphasized in this context: § 165 (Money laundering), § 278a (Criminal organizations), § 279 (Armed associations), § 280 (Accumulation of weapons), § 320 (Supporting a party in a foreign armed conflict). See also sub-paragraph d) and the initiatives introduced in Part I.

Sub-paragraph b)

*What other steps are being taken to prevent the commission of terrorist acts, and in particular, what early warning mechanisms exist to allow exchange of information with other states?*

48. According to the FIU ordinance, the FIU fulfills a proactive, early warning function in the area of money laundering and also in the area of terrorist financing. For these purposes, the relevant international information exchange channels (Egmont Group, Secure Web, Memorandum of Understanding, see paragraphs 28, 29, 37, 40 and 45) are available. A special unit of the police for combating organized crime and commercial crime (EWOK) is, *inter alia*, responsible for preliminary investigations to ascertain indications of criminal activity.
49. The Government regards efficient measures against terrorist financing as a priority element in the fight against terrorism. The Government decision of 31 October 2001 created the Terrorist Financing Coordination Group, which guarantees an efficient and uncomplicated coordination of all measures in this area under the guidance of the FIU. Depending on the issue, the Coordination Group will be supplemented with officials from the Foreign Ministry and the Government. Due to its relevant expertise, the FIU has been indicated to the CTC as contact point in Vaduz for the implementation of Resolution 1373.

Sub-paragraph c)

*What legislation or procedures exist for denying safe haven to terrorists, such as laws for excluding or expelling the types of individuals referred to in this sub-paragraph? It would be helpful if States supplied examples of any relevant action taken.*

50. The small size of the country (160 km<sup>2</sup>; population 32,673) turns out to be an advantage with regard to refugee questions and therefore also with regard to relevant aspects of counter-terrorism: It is practically impossible to be present in the country without the knowledge of the authorities. An important point in

ensuring that asylum seekers are not involved in terrorist activities is the precise determination of the person's identity and previous place of residence.

51. According to Art. 42 of the Refugee Law, a foreign person is not granted asylum if there are reasons for exclusion from refugee status. In particular, refugee status is not given if there are serious grounds to suspect that the person has committed a crime against peace, a war crime, or a crime against humanity according to international conventions. The legal status of refugee is also not given if the person committed a serious crime of common law outside of the host country before the person was accepted as a refugee, or if the person is responsible for acts against the purposes and principles of the United Nations.
52. Art. 52 of the Refugee Law provides that the Government shall revoke asylum or refugee status if a refugee has obtained asylum or refugee status through false testimony or through concealing essential facts, if reasons contained in Art. 1(c)(1)-(6) of the Convention relating to the Status of Refugees of 28 July 1951 apply, if refugees threaten the security of Liechtenstein, or if they constitute a public danger due to prior conviction for a crime.
53. Art. 14 of the Liechtenstein law on mutual legal assistance provides that extradition is permissible for criminal acts based on political motivations or goals, if the criminal character of the act outweighs the political character, taking into consideration all the circumstances of the individual case.
54. In the case of asylum seekers without documentation, there is a general problem with regard to the clarification of these two main questions. In such cases, clarifications are undertaken on the basis of local knowledge of the authorities or speech analyses (in collaboration with Swiss authorities). In addition, systematic fingerprinting is undertaken and compared with Liechtenstein and Swiss police systems. If, after thorough hearings, doubts remain regarding the identity and place of origin, further information sources are used (international organizations, the International Committee of the Red Cross, etc.). So far, no request for extradition in cases of terrorism has been made.
55. If no application for asylum is submitted within 10 days of entry, the application will not be considered and immediate deportation may be ordered, as long as these measures are in conformity with international legal obligations, including the relevant provisions of the European Convention on Human Rights and the customary international legal principle of non-refoulement. These measures ensure that persons who have been present in the country for a longer period of time cannot prevent extradition by applying for asylum.

Sub-paragraph d)

*What legislation of procedures exist to prevent terrorists acting from your territory against other states or citizens? It would be helpful if States supplied examples of any relevant action taken.*

56. See Annex 1 and, in particular, the following provisions of the Liechtenstein Penal Code: § 279 (Armed associations) and § 280 (Accumulation of weapons) as well as § 320 (Supporting a party in a foreign armed conflict). The possible need for additional measures is being examined.

Sub-paragraph e)

*What steps have been taken to establish terrorist acts as serious criminal offences and to ensure that the punishment reflects the seriousness of such terrorist acts? Please supply examples of any convictions obtained and the sentence given.*

57. See Annex 1 and the answer to question 2(b). So far, no persons have been accused of terrorist crimes.

Sub-paragraph f)

*What procedures and mechanisms are in place to assist other states? Please provide any available details of how these have been used in practice.*

58. The measures and mechanisms are indicated in sub-paragraph 1(a) and sub-paragraph 2(c). Liechtenstein works together with other states on the basis of bilateral mutual legal assistance agreements, relevant multilateral treaties, and in particular on the basis of the law on mutual legal assistance, which enables legal assistance to all states with which no specific mutual legal assistance agreements have been concluded.
59. Liechtenstein emphasizes that further networking at the international level is essential to counter proactively the threat of terrorist acts. Necessary measures include further mutual legal assistance agreements and partnerships, but especially also the exchange of experience in the form of best practices. This should take place particularly in the framework of international organizations, as well as through participation in operative workshops and bilateral working meetings. The former are undertaken by the Ministry of Justice and Ministry for Foreign Affairs, the latter by the FIU and the Liechtenstein Police.
60. Liechtenstein has signed the Convention against International Organized Crime of 12 December 2000 and has ratified the Rome Statute of the International Criminal Court of 17 July 1998. The implementing legislation for cooperation with the International Criminal Court is under development.

Sub-paragraph g)

*How do border controls in your country prevent the movement of terrorists? How do your procedures for issuance of identity papers and travel documents support this? What measures exist to prevent their forgery, etc.?*

61. Since 1924, Liechtenstein has shared a customs union with Switzerland. The border controls are undertaken by the Swiss authorities. Liechtenstein passports and identity documents fulfill all requirements concerning protection against forgery, data security, and international verifiability. Police cooperation in this area is ensured through close cooperation with the corresponding Swiss bodies (especially with the Conference of Cantonal Police Commanders KKPKS). Furthermore, there are numerous regional working groups with the police authorities of the neighboring countries Austria, Germany, and Switzerland (e.g., Lake Constance Police Association, Police Concordat of Eastern Switzerland, Conference of the Police Presidents of the European Lake Constance Region). In addition, there is close contact with the Swiss police authorities and the Swiss justice department on both a personal and data system level.

**C. Paragraph 3**Sub-paragraph a)

*What steps have been taken to intensify and accelerate the exchange of operational information in the areas indicated in this sub-paragraph?*

62. The active participation of the FIU in the Egmont Group has ensured a quick and efficient exchange of information at this level (cf. paragraphs 28, 29, 37, 40, 45 and 48). Police cooperation is likewise noteworthy (paragraphs 29 and 61). Also, see the discussion regarding cooperation with Switzerland in the customs and currency union, as well as the efforts of the Government in this regard.

Sub-paragraph b)

*What steps have been taken to exchange information and cooperate in the areas indicated in this sub-paragraph?*

63. See explanations regarding legal and police cooperation, in particular under sub-paragraph 3(a).

Sub-paragraph c)

*What steps have been taken to cooperate in the areas indicated in this sub-paragraph?*

64. See answer under sub-paragraph 3(a).

Sub-paragraph d)

*What are your Government's intentions regarding signing and/or ratifying the conventions and protocols referred to in this sub-paragraph?*

65. Liechtenstein already is a State Party to seven of the twelve Conventions and Protocols concluded within the United Nations. In addition, the International Convention for the Suppression of the Financing of Terrorism was signed on 2 October 2001 (see Annex 1). Liechtenstein is also a State Party to the European Convention on the Suppression of Terrorism of 27 January 1977.

66. Liechtenstein is committed to becoming a State Party to all relevant international instruments to combating terrorism. Highest priority for the imminent future is attached to becoming a State Party to the International Convention for the Suppression of Terrorist Bombings and to the Convention for the Suppression of the Financing of Terrorism. Both conventions will be taken up by the Government in the course of 2002.

Sub-paragraph e)

*Provide any relevant information on the implementation of the conventions, protocols and resolutions referred to in this sub-paragraph.*

67. Liechtenstein practices a monist system according to which international treaties are self-executing, if their provisions are suitable to be applied automatically as law. If necessary, provisions of international treaties may also be implemented through legislative amendments. Security Council resolutions 1269 and 1368 are likewise self-executing. See also the discussion of mutual legal assistance and other information exchange possibilities under sub-paragraph 1(a).

Sub-paragraph f)

*What legislation, procedures and mechanisms are in place for ensuring asylum seekers have not been involved in terrorist activity before granting refugee status? Please supply examples of any relevant cases.*

68. See detailed discussion in sub-paragraph 2(c).

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Sub-paragraph g)

*What procedures are in place to prevent the abuse of refugee status by terrorists? Please provide details of legislation and/or administrative procedures which prevent claims of political motivation being recognised as grounds for refusing requests for the extradition of alleged terrorists. Please supply examples of any relevant cases.*

69. See detailed discussion in sub-paragraph 2(c). The following important statutory provisions should be emphasized:
70. According to Art. 42 of the Refugee Law, a foreign person is not granted asylum if there are reasons for exclusion from refugee status. In particular, refugee status is not given if there are serious grounds to suspect that the person has committed a crime against peace, a war crime, or a crime against humanity according to international conventions. The legal status of refugee is also not given if the person committed a serious crime of common law outside of the host country before the person was accepted as a refugee, or if the person is responsible for acts against the purposes and principles of the United Nations. This provision thereby also covers terrorist crimes.
71. Art. 52 of the Refugee Law provides that the Government shall revoke asylum or refugee status if a refugee has obtained asylum or refugee status through false testimony or through concealing essential facts, if reasons contained in Art. 1(c)(1)-(6) of the Convention relating to the Status of Refugees of 28 July 1951 apply, if refugees threaten the security of Liechtenstein, or if they constitute a public danger due to prior conviction for a crime.
72. Art. 14 of the Liechtenstein law on mutual legal assistance provides that extradition is permissible for criminal acts based on political motivations or goals, if the criminal character of the act outweighs the political character, taking into consideration all the circumstances of the individual case.

### **Appendices**

73. The appendices contain the relevant provisions of the Liechtenstein penal code and the international conventions against terrorism to which Liechtenstein is a State Party or which it has signed. The full text of the Liechtenstein penal code or of other relevant documentation can be transmitted to the Committee upon request. Several of the legislative texts referred to in the report can be found at [www.pafl.li/akt\\_lgbl.htm](http://www.pafl.li/akt_lgbl.htm), in German, English and French. Liechtenstein legislation can also be found at [www.gesetze.li](http://www.gesetze.li), German version only. For ease of reference, a list of the contact points for the implementation of Security Council resolution 1373 is also included; this list has previously already been communicated to the Committee.





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## Appendix I

### Provisions of the Liechtenstein Penal Code concerning Terrorism

§ 12 Treatment of all participants in the criminal act as perpetrators

§ 15 Punishability of attempt

§ 33 Aggravating circumstances

- multiple or continued commission of crimes
- previous conviction
- inducement to commission of crime
- leading capacity in planning or inciting crime
- racism, xenophobic or other particularly despicable motives
- insidious, cruel, or painful commission of crime
- taking advantage of another person's defenselessness or helplessness

§ 64 Crimes committed abroad that shall be punished regardless of the laws where the crime was committed

- kidnapping for purposes of blackmail (§ 102), delivery to a foreign power (§ 103), founding or support of a criminal organization (§ 278a(1))
- air piracy (§ 185) and crimes against person, life or freedom connected to air piracy, intentional endangerment of the safety of air travel (§ 186)
- participation in a criminal act committed in Liechtenstein (§ 12)
- money laundering (§ 165, § 278a(2))
- other criminal acts, the prosecution of which Liechtenstein is obligated to undertake even when committed abroad, regardless of the criminal law where the crimes were committed

§ 75 Murder

- ten to twenty years imprisonment, life imprisonment

§ 83 - § 87 Battery, serious battery, battery leading to lasting injury, battery leading to death, intentional serious battery

- fine, imprisonment up to ten years

§ 99 Deprivation of liberty

- imprisonment up to ten years

§ 102 Kidnapping for purposes of blackmail

- six months to twenty years imprisonment

§ 103 Delivery to a foreign power

- five to twenty years imprisonment

§ 105, § 106 Coercion, serious coercion

- imprisonment up to five years

§ 107 Dangerous threat

- imprisonment up to three years

§ 125 Damage to property, serious damage to property

- fine, imprisonment up to five years

§ 126a Destruction of data

- fine, imprisonment up to five years

§ 131a Theft of data

- fine, imprisonment up to three years

§ 133 Embezzlement

- fine, imprisonment up to five years

§ 134 Misappropriation

- fine, imprisonment up to three years

§ 144, § 145 Blackmail, serious blackmail

- six months to ten years imprisonment

§ 146, § 147, § 148 Fraud, serious fraud, commercial fraud

- fine, imprisonment up to ten years

§ 153 Breach of fiduciary duties

- fine, imprisonment up to ten years

§ 156 Fraudulent bankruptcy

- six months to ten years imprisonment

§ 165 Money laundering

- fine, imprisonment up to five years

§ 171, § 173, § 176 Intentional endangerment through nuclear energy or radioactivity, intentional endangerment through explosives, intentional endangerment of the public

- one year to ten years imprisonment

§ 175 Preparation of a crime using nuclear energy, radioactivity, or explosives

- six months to five years imprisonment

§ 178, § 180 Intentional endangerment of humans through transmissible diseases, intentional endangerment through air or water pollution

- fine, imprisonment up to three years

§ 185, § 186 Air piracy, intentional endangerment of the safety of air travel

- one year to twenty years imprisonment, life imprisonment

§ 188 Disparagement of religious teachings

- fine, imprisonment up to six months

§ 189 Disruption of a religious act

- fine, imprisonment up to two years

§ 223-§ 225 Forgery or falsification of documents

- fine, imprisonment up to five years

§ 278 Formation of a criminal gang

- imprisonment up to three years

§ 278a Founding, support or financing of a criminal organization

- six months to ten years imprisonment

§ 279, § 280 Armed associations, accumulation of weapons

- imprisonment up to three years

§ 320 Supporting a party in a foreign armed conflict

- imprisonment up to two years

## Appendix II

### **International terrorism conventions to which Liechtenstein is a State Party**

*Convention on Offences and Certain Other Acts Committed on Board Aircraft*, done at Tokyo on 14 September 1963 (entered into force on 4 December 1969)

*Convention for the Suppression of Unlawful Seizure of Aircraft*, done at The Hague on 16 December 1970 (entered into force on 14 October 1971)

*Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation*, done at Montreal on 23 September 1971 (entered into force on 26 January 1973)

*Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents*, adopted by the General Assembly of the United Nations on 14 December 1973 (entered into force on 20 February 1977)

*International Convention against the Taking of Hostages*, adopted by the General Assembly of the United Nations on 17 December 1979 (entered into force on 3 June 1983)

*Convention on the Physical Protection of Nuclear Material*, done at Vienna on 3 March 1980 (entered into force on 8 February 1987)

*Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation*, done at Montreal on 24 February 1988 (entered into force on 6 August 1989)

*European Convention on the Suppression of Terrorism*, concluded at Strasbourg on 27 January 1977 (entered into force on 4 August 1978)

Signed (2 October 2001), not yet ratified: *International Convention for the Suppression of the Financing of Terrorism*, adopted by the General Assembly of the United Nations on 9 December 1999

## **Appendix III**

### **Liechtenstein contact points for the implementation of Security Council resolution 1373**

#### **Permanent Mission in New York:**

Mr. Christian Wenaweser  
Deputy Permanent Representative  
Phone number: (212) 599 0220 ext. 228  
Fax number: (212) 599 0064  
e-mail: [cwenaweser@un.int](mailto:cwenaweser@un.int)

#### **Financial Intelligence Unit (FIU) in Vaduz**

Mr. Michael Lauber  
Head of the Financial Intelligence Unit (FIU)  
Phone number: +423 236 6120  
Fax number: +423 236 6129  
e-mail: [Michael.Lauber@fiu.llv.li](mailto:Michael.Lauber@fiu.llv.li)

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