

Translation of Liechtenstein Law

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English title:	Ordinance of 4 October 2011 on Measures concerning Persons and Organisations with Connections to the Groups "ISIL (Daesh)" and "Al-Qaeda
Original german title:	Verordnung vom 4. Oktober 2011 über Massnahmen gegenüber Personen und Organisationen mit Verbindungen zu den Gruppierungen "ISIL (Da'esh)" und "Al-Qaida
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Ordinance

of 4 October 2011

on Measures concerning Persons and Organisations with Connections to the Groups "ISIL (Daesh)" and "Al-Qaeda"¹

On the basis of Art. 2 and 14a of the Act of 10 December 2008 on the Enforcement of International Sanctions (ISG), Law Gazette [LGBL.] 2009 No. 41, in the wording of the Act of 9 June 2017, LGBL. 2017 No. 203, taking into account the provisions of Swiss law applicable as a result of the Customs Treaty, taking into account the EU Council Decisions of 20 September 2016 (CFSP) 2016/1693 and 26 February 2018 (CFSP) 2018/283, and implementing Resolutions 1267 (1999) of 15 October 1999, 1333 (2000) of 19 December 2000, 1390 (2002) of 16 January 2002, 1452 (2002) of 20 December 2002, 1735 (2006) of 22 December 2006, 1989 (2011) of 17 June 2011, 2161 (2014) of 17 June 2014, 2170 (2014) of 15 August 2014, 2253 (2015) of 17 December 2015, and 2368 (2017) of 20 July 2017 of the United Nations Security Council², the Government issues the following Ordinance:³

¹ Title amended by LGBL. 2017 No. 255.

² The text of these resolutions can be viewed in English at the following address www.un.org/en/sc/documents/resolutions (correct: <https://www.un.org/securitycouncil/content/resolutions-0>).

³ Ingress amended by LGBL. 2018 No. 62.

I. Coercive measures

Art. 1

Prohibition of the supply of arms and related materiel

1) The supply, the sale, and the brokering of arms of any kind, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and accessories and spare parts for the above, to the individuals, legal entities, groups, and persons listed in the Schedule is prohibited.

2) It is prohibited to grant, sell, and broker technical advice, aid, or training in connection with military activities to the individuals, legal entities, groups, and persons listed in the Schedule.

3) This shall apply subject to the provisions of the Swiss legislation applicable in Liechtenstein concerning war materiel, goods control, and embargoes.

Art. 2

Freezing of funds and economic resources

1) Funds and economic resources that are partly or entirely owned or under the direct or indirect control of:⁴

- a) the individuals and legal entities, groups, and organisations listed in Schedules 1 and 2;⁵
- b) the individuals and legal entities, groups, and organisations acting on behalf or on instruction of the individuals and legal entities, groups, and organisations pursuant to item (a);

are frozen.

2) It is prohibited to transfer funds to the individuals and legal entities, groups, and organisations concerned by the freeze or to provide them with funds and economic resources in any other way, be it directly or indirectly.⁶

3) Following reporting to the competent Committee of the United Nations Security Council as far as is applicable, the Government may in

⁴ Art. 2 Para. 1 amended by LGBL 2013 No. 279.

⁵ Art. 2 Para. 1 (a) amended by LGBL 2018 No. 62.

⁶ Art. 2 Para. 2 amended by LGBL 2013 No. 279.

accordance with the resolutions of that Committee and with the relevant resolutions of the United Nations approve payments from frozen accounts, transfers of frozen assets, or the release of frozen economic resources as an exception in order to:⁷

- a) avoid hardship cases;
- b) fulfil existing agreements;
- c) fulfil claims that are the subject of an existing decision by a court, an administrative office, or a court of arbitration;
- d) pay reasonable fees and reimburse costs in connection with the rendering of legal services;
- e) pay fees or costs for services for the routine safekeeping or administration of frozen funds or economic resources; or
- f) safeguard Liechtenstein interests.

4) Applications for exemption shall be submitted to the Financial Intelligence Unit (FIU).⁸

Art. 3

Definitions

In this Ordinance, the following terms and expressions shall mean the following:

- a) funds: financial assets, including cash, cheques, monetary claims, bills of exchange, money orders or other payment instruments, credit balances, debts and debt obligations, securities and debt instruments, certificates representing securities, bonds, notes, warrants, debentures, derivatives; interest, dividends, or other income on or value accruing from assets; credit, right of set-off, guarantees, performance bonds or other financial commitments; letters of credit, bills of lading, bills of sale; documents evidencing an interest in funds or other financial resources, and any other instrument of export-financing;
- b) freezing of funds: the prevention of any act that enables the management or use of the funds, with the exception of normal administrative acts by banks and investment firms;
- c) economic resources: assets of any kind irrespective of whether they are tangible or intangible, movable or immovable, in particular real

⁷ Art. 2 Para. 3 amended by LGBl. 2018 No. 62.

⁸ Art. 2 Para. 4 inserted by LGBl. 2018 No. 62.

- estate and luxury goods, with the exception of funds in terms of item (a);
- d) freezing of economic resources: the prevention of their use for the acquisition of funds, goods or services, including the sale, rental or pledging of such resources.

Art. 4⁹

Entry and transit

1) The individuals listed in Schedules 1 and 2 are prohibited from entering or transiting through Liechtenstein.

2) The Government may in agreement with the Resolutions of the competent Committee of the United Nations Security Council grant exemptions for the individuals listed in Schedule 1.

3) The Government may grant exemptions for the individuals listed in Schedule 2:

- a) for proven humanitarian reasons;
- b) for the purpose of participation in court proceedings; or
- c) to safeguard Liechtenstein interests.

4) Applications for exemption shall be submitted to the Immigration and Passport Office.

II. Enforcement and penal provisions

Art. 5

Control and enforcement

1) The Financial Intelligence Unit shall supervise the enforcement of the coercive measures described in Art. 1 and 2. It shall in particular review the applications for exemption and shall forward them - if necessary, after consulting other offices concerned - to the Government with its recommendation.

⁹ Art. 4 amended by LGBL 2018 No. 62.

2) The Immigration and Passport Office shall monitor the enforcement of the prohibition of entry and transit pursuant to Art. 4. It shall in particular review the applications for exemption and shall forward them - if necessary, after consulting other offices concerned - to the Government with its recommendation.

3) The competent Liechtenstein authorities shall take the measures necessary to freeze economic resources, such as by noting a prohibition of disposal in the Land Register or by attaching or sealing luxury goods.

4) Jurisdiction of the Swiss authorities shall remain reserved.

Art. 6

Reporting duties

1) Any persons or institutions holding or managing funds or knowing of economic resources which must be assumed to fall under the freeze laid down in Art. 2 Para. 1 must report this to the FIU forthwith.

2) The reports must contain the names of the beneficiaries and the subject and value of the frozen funds and economic resources.

Art. 7

Penal provisions

1) Anyone who violates Art. 1, 2, or 4 shall be punished pursuant to Art. 10 ISG unless penal provisions of Swiss legislation applicable in Liechtenstein concerning war materiel, goods control, and embargoes apply.

2) Anyone who violates Art. 5 shall be punished pursuant to Art. 11 ISG.

III. Final provisions

Art. 7a¹⁰

Automatic adoption of lists of the persons, groups, and organisations that are the subject of measures

The lists issued or updated by the United Nations Security Council or the competent Committee of the United Nations Security Council concerning individuals and legal entities, groups, and organisations (Schedule 1) shall be adopted automatically.

Art. 8

Repealing of current law

1) The Ordinance of 10 October 2000 on Measures Concerning Persons and Organisations with Connections to Usama bin Laden, the "Al-Qaeda" Group, or the Taliban, LGBI. 2000 No. 186, as amended, is repealed.

2) The punishment of violations committed during the term of applicability of the ordinance stated in Para. 1 shall remain reserved.

Art. 9

Entering into force

This Ordinance shall enter into force on the date of its publication.

Princely Government:
signed *Dr. Klaus Tschütscher*
Princely Prime Minister

¹⁰ Art. 7a amended by LGBI. 2018 No. 62.