

Translation of Liechtenstein Law

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Ordinance of 16 June 2020 on Measures against Certain Persons and Organisations to Fight Terrorism

Pursuant to Article 1(2a) and Article 2 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 Common Position 2001/931/CFSP of the European Union of 27 December 2001 and implementing Resolution 1373 (2001) of 28 September 2001 of the United Nations Security Council¹, the Government issues the following Ordinance:

I. Coercive measures

Article 1

Freezing of funds and economic resources; prohibition of provision

1) Any funds and economic resources that are entirely or partly owned or controlled directly or indirectly by individuals and legal persons, groups and organisations listed in the Annex are frozen.

2) It shall be prohibited:

- a) to transfer funds to the individuals, legal persons, groups and organisations defined in Para. 1, or to provide them with funds or economic resources in any other way directly or indirectly;
 - b) to provide other financial services for the individuals, legal persons, groups, and organisations defined in Para. 1.
- 3) The Government may as an exception approve payments from frozen accounts, transfers of frozen assets, the release of frozen economic resources, and the providing of other financial services in order to:
- a) avoid hardship cases;
 - b) fulfil existing contracts;
 - c) meet claims that are the subject of an existing decision by a court, an administrative authority or a court of arbitration;
 - d) pay reasonable remunerations and reimburse reasonable costs in connection with the rendering of legal services;
 - e) pay fees or service costs for the routine holding or management of frozen funds or economic resources;
 - f) safeguard Liechtenstein interests.
- 4) Applications for exemptions shall be submitted to the Financial Intelligence Unit.

Article 2

Definitions

In this ordinance, the following expressions shall have the following meanings:

- 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 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 sale, rental or pledging;
- e) terrorist act: a punishable act in terms of §§ 278b through 278g of the Criminal Code.

II. Enforcement and penal provisions

Article 3

Criteria for being included in the list

- 1) Subject to the following provisions, the following persons, groups and organisations may be included in the list:
- a) individuals who commit or attempt to commit a terrorist act or who participate in or facilitate the commission of a terrorist act;
 - b) legal persons, groups and organisations that commit or attempt to commit a terrorist act or which participate in or facilitate the commission of a terrorist act;
 - c) legal persons, groups and organisations that are owned or controlled directly or indirectly by the individuals or legal persons, groups and organisations defined in (a) or (b); or
 - d) individuals and legal persons, groups and organisations acting on behalf of or under the direction of the individuals and legal persons, groups and organisations defined in (a) or (b)

2) Persons, groups and organisations in terms of Para. 1 shall be included in the list on the basis of the decisions of the competent domestic or foreign authorities or courts in connection with:

- a) the initiation of an investigation or criminal prosecution for a terrorist act or for the attempt of committing, participating in, or facilitating a terrorist act; or
- b) a conviction for punishable acts in terms of Item (a).

3) Sufficient information shall be provided with the names of persons, groups and organisations in terms of Para. 1 in order to enable effective identification.

Article 4

Being included in the list, control, and enforcement

1) The Financial Intelligence Unit shall supervise the enforcement of the coercive measures described in Article 1 and shall in collaboration with other bodies concerned review on the basis of the information and documentation available to it:

- a) whether a person, group of organisation in terms of Art. 3 should be included in the Annex or be deleted from the Annex:
- b) applications for exceptions.

2) Having carried out the review, the Financial Intelligence Unit shall forward its recommendations to the Government.

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

Article 5

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. 1(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.

Article 6

Penal provisions

- 1) Anyone who violates Article 1 shall be punished pursuant to Art. 10 ISG.
- 2) Anyone who violates Article 5 shall be punished pursuant to Art. 11 ISG.

III. Final provision

Article 7

Entering into force

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

The Government:
signed *Adrian Hasler*
Head of the Princely
Government