



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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Committee against Torture

**Information received from Liechtenstein on
follow-up to the concluding observations on its
fifth periodic report***

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* The present document is being issued without formal editing.



I. Introduction

1. In the concluding observations on the fifth periodic report of Liechtenstein (CAT/C/LIE/CO/5) from 7 May 2024, the Committee against Torture issued 20 recommendations to Liechtenstein, requesting information on follow-up to three of them concerning the fundamental legal safeguards, conditions of detention and extraterritorial incarceration by 10 May 2025.

II. Follow-up information on the concluding observations (CAT/C/LIE/CO/5)

Fundamental legal safeguards

Information relating to paragraph 14

2. The Liechtenstein Code of Criminal Procedure (StPO) does not provide for a general obligation to make audio or video recordings of interviews. Pursuant to Article 50a StPO, it is permissible to make an audio or video recording of an interview, provided the interviewee is expressly informed and the recording is made in its entirety. In addition, Article 115a StPO stipulates that the investigating judge may order the audio or video recording of the interview in cases of contradictory examination. In practice, however, the National Police always carry out video recordings in cases involving minors who are victims of sexual offences.

3. Minors and young adults are always informed during police interviews in accordance with Article 21a of the Juvenile Court Act (JGG), which grants them the opportunity to be accompanied by a trusted person during the interview. No formal request is required for such accompaniment; the minor may contact a trusted person directly or ask the police for assistance in doing so.

4. During the interview, the minor has the right to be accompanied by legal counsel. The minor may appoint a defence counsel pursuant to Article 147 StPO. If the minor does not know a lawyer, the National Police can assist by providing access to the official list of attorneys. Outside regular business hours, the Bar Association operates a hotline. No formal request is required for this support. However, if legal aid counsel must be appointed (Article 26 para. 2 StPO), a formal application is necessary. In cases falling under Article 26 para. 3 StPO (mandatory defence for pre-trial detention and final hearing before the Criminal Court) or Article 25 JGG (juvenile criminal proceedings for a felony), the court is responsible for appointing a defence counsel.

Conditions of detention

Information relating to paragraph 16 (d)

5. New detainees are examined by an external contract doctor as soon as possible and have the right to request a doctor at any time. The prison doctor undertakes his best efforts in order to examine persons arriving in the national prison as soon as possible

6. Staff are obliged to notify a contract doctor immediately, who decides on the level of urgency based on the notification, just as he does with his patients in the doctor's surgery. In addition, a doctor visits the prison once a week to enable spontaneous rounds. Anyone who wants to see the doctor can do so. There are no postponements to the following week.

Extraterritorial incarceration

Information relating to paragraph 20 (a)

7. In accordance with Article 31 para. 3(a) of the Vienna Convention on the Law of Treaties, Liechtenstein and Austria signed an interpretative declaration on the bilateral treaty of 1982 on the accommodation of prisoners on 12 March 2025 (LGBI-Nr. 2025.237, LR-Nr.

0.354.910.211). The interpretative declaration clarifies that detainees from Liechtenstein, held in Austria according to Article 1 of the treaty, enjoy the same rights and legal protection as all detainees in Austria. It further states that the provision of Article 5 para. 3 of the treaty guarantees the application of Austrian law in its entirety which also comprises the European Convention on Human Rights which has constitutional status in Austria, in particular its Article 3, the provision on national prevention measures according to Article 148a para. 3 of the Austrian Federal Constitutional Law as well as the legal protection provisions of the Austrian Penal Enforcement Act.

8. The detention of Liechtenstein prisoners in Austrian prisons does not involve any disproportionate distances and therefore does not cause significant difficulties in the possibility of visits and maintaining social contacts compared to the detention of people within larger countries. In Switzerland, imprisonment only takes place in Saxerriet, which is about 15 kilometers from Liechtenstein's capital.
