



Comments by the Government of the Principality of Liechtenstein to the conclusions and recommendations of the Committee against Torture

The Government of the Principality of Liechtenstein welcomes the opportunity to pursue its dialogue with the Committee against Torture by submitting the following comments and clarifications in respect of the conclusions and recommendations adopted by the Committee at its 938th meeting.

The Liechtenstein Government appreciates the high level of interest shown by the Committee towards the situation in Liechtenstein regarding torture and other forms of ill-treatment. The fact that all members of the Committee actively participated in the dialogue with the Liechtenstein delegation is a clear expression of this interest. The Liechtenstein Government notes with satisfaction that the Committee considered the replies provided by the Liechtenstein delegation as extensive and precise.

Against this background, the Liechtenstein Government expresses, however, concern at the selective and inaccurate quotation (in paragraph 19 of the concluding observations) of replies given orally and in written form in respect of the 1982 treaty between Liechtenstein and Austria on the accommodation of prisoners. The Liechtenstein Government wishes to emphasize that this cooperation is firmly anchored in an extensive legal and structural framework composed of the European Convention on Human Rights and Fundamental Freedoms, the European Convention on the Prevention of Torture as well as the UN Convention against Torture. The same kind of cooperation has also been embodied in the 1983 Council of Europe Convention on the Transfer of Sentenced Persons. In addition, it has to be stressed that the Austrian Corrections Commission(s) – as noted in paragraph 19 of the concluding observations – is indeed competent also in relation to Liechtenstein prisoners serving their sentences in Austria. The Liechtenstein Government is therefore of the view that it is inaccurate to speak of a complete absence of procedures or mechanisms to ensure that the rights of persons imprisoned in Austria are upheld.

As regards the handout of legal instructions on legal safeguards for persons who have been arrested, it has to be stressed that apart from the issue of consular protection no distinction is made between Liechtenstein and foreign nationals. The document submitted to the Committee constitutes the English translation of the original German text. It clearly provides for the right of all persons deprived of their liberty to have access to an independent doctor as from the very outset of their detention. Similarly, the handout also guarantees the right of all persons deprived of their liberty to have access to a lawyer and to inform a family member from the very outset of their detention. The relevant chapter of the handout is in fact entitled *Notification of a family member or another person of trust and an attorney-at-law (defence lawyer)* and the wording of the information contained therein is clear in that it refers to both the right to have access to a lawyer and the right to inform a family member.

With respect to the removal of prisoners from the prison by police for interrogation (paragraph 22 of the concluding observations), the Liechtenstein Government would like to stress that the current practise is provided for in article 90, paragraph 1 of the Execution of

Sentences Act and that it is therefore inaccurate to refer to this practise as “contrary to applicable domestic law”. At the same time, the Government wishes to reiterate that this practise has to be assessed in the context of the limited holding capacity and the shortage of space and personnel resources of Vaduz National Prison.

Finally, the Liechtenstein Government wishes to recall that during the reporting period Liechtenstein was visited twice by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment and once by the Commissioner for Human Rights of the Council of Europe. All three independent visits confirmed that there have been no cases of torture or inhuman or degrading treatment or punishment in Liechtenstein. During the dialogue a Committee member explicitly acknowledged that *“the fact that no allegation of torture or ill-treatment had been submitted to the judicial authorities of the State party since the Convention’s entry into force was a very encouraging sign.”* Also, in its concluding observations after the consideration of the second periodic report of Liechtenstein the Committee had deemed the non-occurrence of cases of torture or ill-treatment to be a positive aspect. It is therefore surprising that the Committee did not mention this fact under the positive aspects of its concluding observations after the consideration of Liechtenstein’s third periodic report.

The Liechtenstein Government is looking forward to the continuation of the dialogue with the Committee against Torture and is committed to providing information on additional steps to further strengthen the prevention of torture and ill-treatment in Liechtenstein within the defined timeline for follow-up.