

(*Landesverfassung*, LV). The StGH noted with reference to earlier practice<sup>25</sup> that both Art. 43 LV and Art. 6 ECHR required full power of review of the courts both as a factual and a legal instance.<sup>26</sup>

It should be noted in this context that where the substantive content of the right to complain of Art. 43 LV obviously converges with the interpretation of Art. 6 ECHR oriented at the practice of the ECtHR, the former provides the wider-ranging claim because this fundamental right is not limited to "civil rights and obligations" and "criminal charges" in terms of Art. 6 (1) ECHR.

*Art. 8 ECHR and house searches:*

Pursuant to Art. 32 (1) of the LV, the Constitution guarantees personal freedom, domestic authority, and privacy protection as regards correspondence and written communications. Pursuant to Para. (2) of that provision, nobody may be arrested or kept in detainment, no house searches or searches of individuals, letters, or written documents be carried out, nor may letters or documents be seized except for the cases laid down in the law.

Art. 8 ECHR on the other hand formulates everyone's right to respect for his private and family life, his home, and his correspondence. In addition, para. 2 of this provision formulates the reservation that public authorities may only interfere with the exercise of this right as far as such interference is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety, or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

It is the practice of the State Court to interpret Art. 32 LV in the light of Art. 8 ECHR because the State Court considers the protective purposes of the provisions to be identical.<sup>27</sup> Art. 32 (1) LV is therefore equivalent to Art. 8 ECHR as far as the amount of its protection of domestic authority is concerned.<sup>28</sup> There is also a convergence of these two guarantees of

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<sup>25</sup> StGH 2010/145, cons. 2.2; StGH 2009/93, [www.gerichtsentscheide.li](http://www.gerichtsentscheide.li), cons. 7.1; see also Tobias Michael Wille, *Beschwerderecht*, in: Andreas Kley/Klaus A. Vallender (ed.), *Grundrechtspraxis in Liechtenstein*, LPS 52 (2012), p. 518 et seq. with further references to decisions.

<sup>26</sup> StGH 2012/198, cons. 3.1.

<sup>27</sup> Cf. Marzell Beck/Andreas Kley, *Freiheit der Person, Hausrecht sowie Brief- und Schriftengeheimnis*, in: Andreas Kley/Klaus Vallender (ed.), *Grundrechtspraxis in Liechtenstein*, LPS 52 (2012), p. 133.

<sup>28</sup> Beck/Kley, *Freiheit*, p. 133.