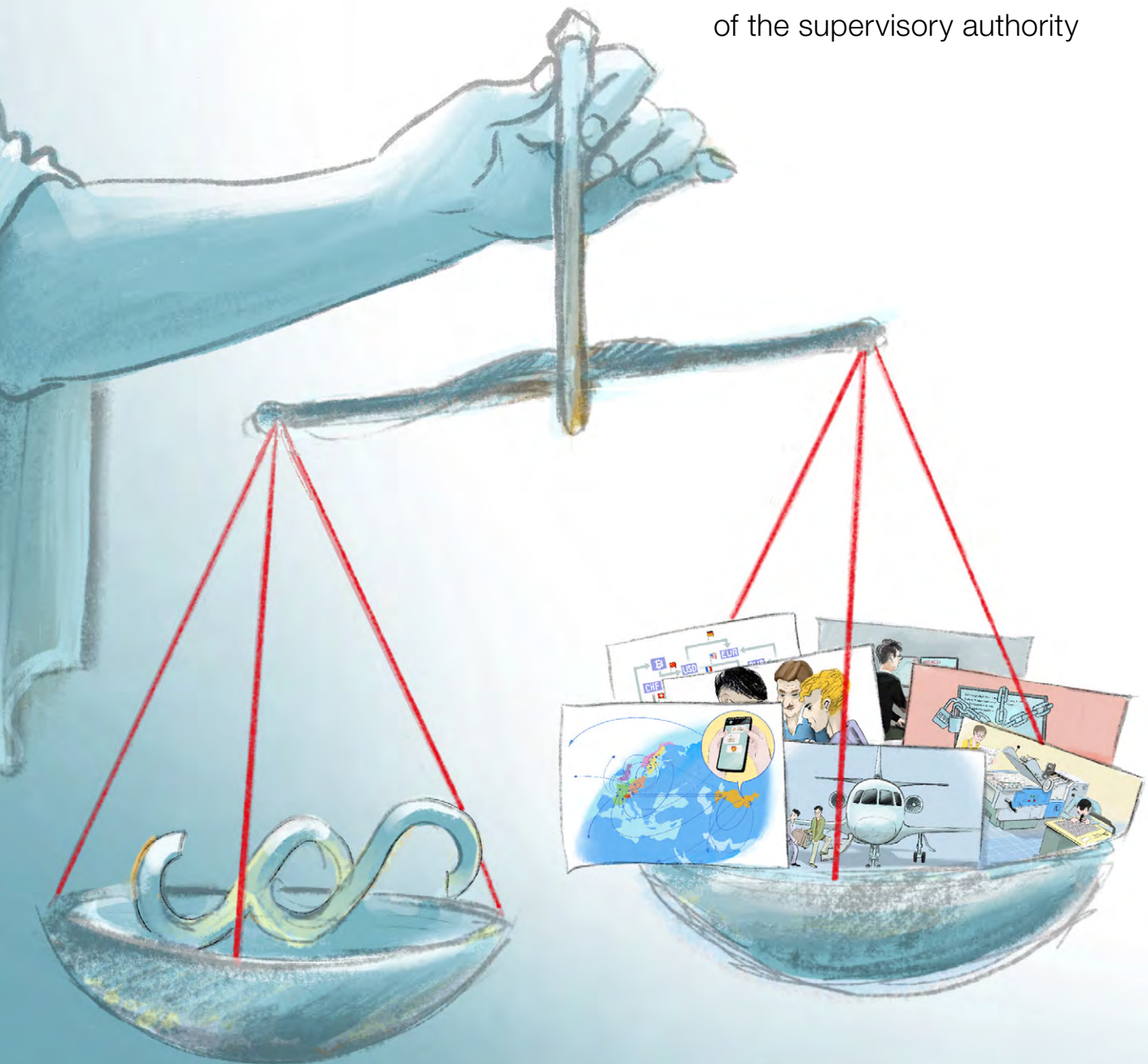


# Annual Report 2023

Report of the Office of the Attorney  
General of Switzerland on its  
activities in 2023 for the attention  
of the supervisory authority





# Editorial



## Dear readers

The year 2023 was another eventful year in which incidents in Switzerland and abroad affected and preoccupied all of us. It is all the more important that we appreciate the peace that we are able to enjoy in Switzerland, which comes down principally to our political system and the fact that we live in a state governed by the rule of law. As a representative of that state, it is the duty of the Office of the Attorney General of Switzerland (OAG) and in particular my duty as the person in charge of this organisation to guarantee social peace.

Our society is increasingly being put to the test, as the past few years have clearly demonstrated. It is all the more important that we are able to rely on the rule of law. It is not just governments and the courts that have to play their part, but also and above all the prosecution authorities. Only if everyone makes a contribution, both in the investigations and the proceedings, can the right outcomes be achieved.

We must not forget that the law does not always offer appreciable moral justice, whether for victims, offenders, the public or the people working at the OAG. The law provides guidelines, which follow from a political process. Occasionally, some of these guidelines are missing or inadequate and have to be clarified through court decisions.

In 2023, the OAG again made its contribution to ensuring the operation of the rule of law, I can say this with full justification. More criminal proceedings were opened than in the previous year and a number of criminal proceedings were closed. These included a number of complex cases with international dimensions that were successfully brought to court, but also others in which suspicions of crime were not substantiated despite extensive investigations. Our job is always to seek the truth, irrespective of whether the truth is incriminating or exculpatory for the suspect. It is all the more important that we use our limited resources effectively, which we do, thanks to the enormous commitment of our employees, changes to the way we are organised, and the setting of priorities. However, in order to remain effective and efficient in light of the ever greater complexity of criminal proceedings and the general situation, in my view it is essential that prosecution authorities are given the latest legal instruments in order to protect justice.

I would like to take this opportunity to thank my colleagues for their commitment, and also to thank our politicians for clearly demonstrating their trust in me by supporting my re-election. This will enable the OAG in 2024 to continue to concentrate on its core task: prosecuting the offences that fall within its jurisdiction.

## Dr Stefan Blättler

Attorney General of Switzerland  
Bern, April 2024



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# **Review and Outlook of the Office of the Attorney General of Switzerland**

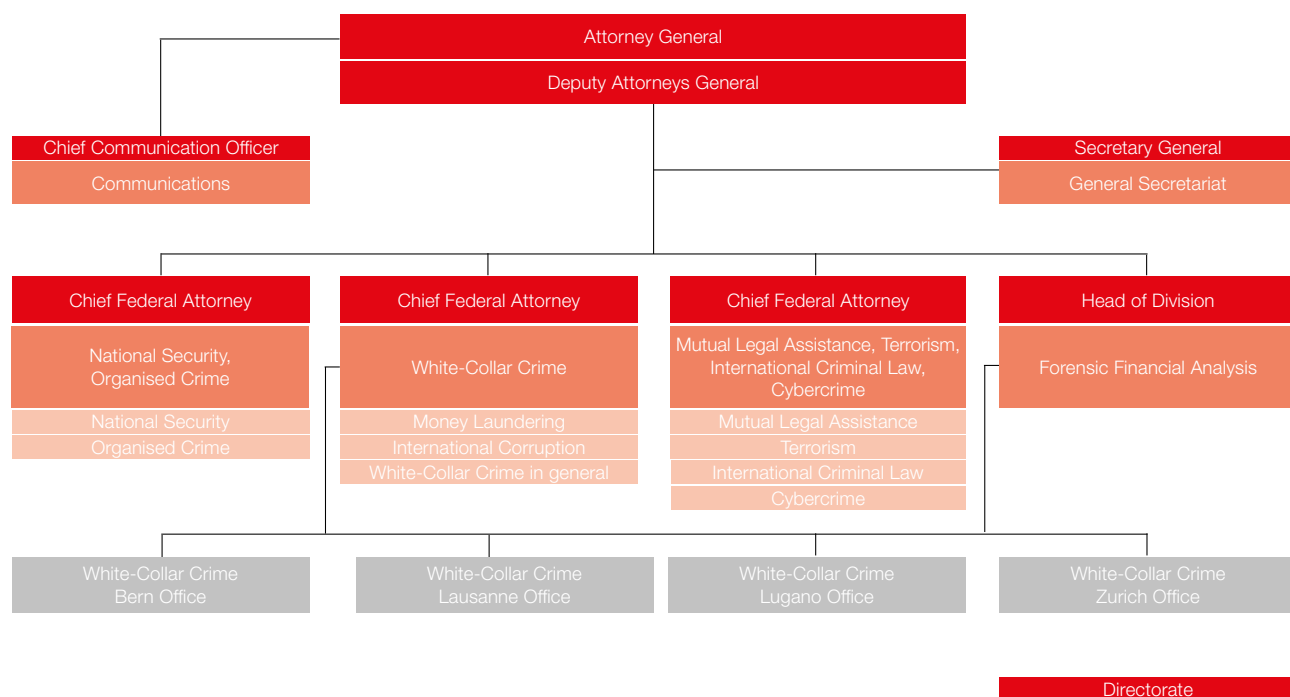
# 1 The OAG's organisational status

Under Article 7 of the Criminal Justice Authorities Act (CJAA, SR 173.71), the OAG is the federal prosecution service. It is headed by the Attorney General of Switzerland, who is appointed by the Federal Assembly and who has comprehensive powers to organise and manage the OAG. The Attorney General has two deputies, who are also appointed by the Federal Assembly and who may exercise all of the Attorney General's powers when acting on his behalf. The appointment of the federal prosecutors and the recruitment of other staff is the Attorney General's responsibility. He is an independent employer under federal personnel law. The OAG is subject to the comprehensive oversight of a supervisory authority whose members are also appointed by the Federal Assembly (SA-OAG; Art. 23 ff. CJAA).

# 2 Statutory operational mandate

As the federal prosecution service, the OAG is responsible for investigating and prosecuting offences that fall under federal jurisdiction, as specified in Articles 23 and 24 of the Criminal Procedure Code (CrimPC, SR 312.0) and in other specific federal legislation. These firstly include classic crimes against the state, i. e. offences that are primarily directed against the Swiss Confederation or have significant consequences for its interests. Secondly, they include the prosecution of more complex international or international cases of organised crime (including terrorism and its funding), money laundering and corruption. The OAG may also assume jurisdiction in cases of white-collar crime that have a national or international dimension. Lastly, the OAG's tasks include the execution of requests for mutual assistance from foreign law enforcement agencies.

**Organigramme Office of the Attorney General of Switzerland**





Attorney General Stefan Blättler (centre) with the two Deputy Attorneys General Ruedi Montanari (right) and Jacques Rayroud.

### 3 Directorate and management bodies

On 14 June 2023, the United Federal Assembly confirmed the Attorney General of Switzerland, Stefan Blättler, and his two deputies, Ruedi Montanari and Jacques Rayroud, in their positions for a further term of office from 2024 to 2027. The Attorney General was re-elected with the excellent result of 209 out of 210 valid votes.

Initially introduced for a trial period, the Directorate in its expanded form again proved its value in the report year. Along with the Attorney General and his deputies, the lead federal prosecutors, the head of the Forensic Financial Analysis Division, the Secretary General and the Head of Communications also comprise its permanent members.

The regular meetings of the Directorate ensure that a mutual exchange of information takes place and a *unité de doctrine* is maintained. Twice a year, the Attorney General invites the federal prosecutors responsible for the various fields of crime to an expanded meeting of the Directorate, in which cross-cutting issues are discussed.

#### **Attorney General's Operational Committee (OAB<sup>1</sup>)**

The OAB examines specific new cases that form part of the OAG's main business, primarily with regard to the issue of federal jurisdiction. In consultation with the specialist divisions, the Committee also decides on what further action to take (opening a criminal investigation, which is assigned to the relevant portfolio, referring the case to the competent cantonal authority, issuing a no-proceedings order, carrying out additional investigations, etc.).

#### **Resources Steering Committee (SAR<sup>2</sup>)**

A joint committee of the OAG and the Federal Criminal Police (FCP), the SAR, established in 2008, has the task of solving specific case-related problems, settling issues of operational cooperation and controlling the use of FCP resources.

It is also the joint body of the OAG and the FCP for dealing with questions relating to the application of the criminal law and the law of criminal procedure as well as their structural implementation in joint practices.

1 Abbreviation of the German term  
'Operativer Ausschuss des Bundesanwalts'

2 Abbreviation of the German term  
'Steuerungsausschuss Ressourcen'



From the start of 2023, the SAR noted that the FCP no longer had sufficient resources to deal with new cases, in particular those related to organised crime. Various evaluations were requested, which revealed that the number of inspectors responsible for the OAG's cases was not sufficient, resulting in the OAG calling for additional staff at the Federal Office of Police (fedpol). In parallel with this, a lot of work was done in order to improve the quality of the reports submitted by the FCP and to standardise their form. This work will continue in 2024. Led by the SAR, an OAG/fedpol working group was set up in order to implement the new provisions of the CrimPC that came into force on 1 January 2024, whether in relation to procedures or by updating the various law enforcement materials.

## 4 The OAG's crime policy priorities and goals

The OAG has a range of duties that are laid down by the law and must prosecute all the offences that fall under its jurisdiction *ex officio*. In order to fulfil its mandate, the OAG focuses on fields of crime that allow specialisation in specific subjects, on forming task forces that ensure the cross-departmental sharing of information and knowledge, and on exchanges with partner organisations.

In order to remain effective and to be able to react to changes in the crime situation, in 2023, the OAG concentrated on the following law enforcement priorities: criminal organisations, general economic offences, including international corruption and money laundering, terrorism and international criminal law. In part because of the increasing number of cyberattacks, cybercrime also became a priority.

Every year, the OAG reviews its goals and adapts them to the latest developments. In the report year, the following goals were set for 2024:

### Further optimisation of case management

Based on a concept for cross-divisional task forces that cover various fields of crime and instruments that encourage systematic knowledge transfer, the OAG is aiming to make case management even more efficient. By implementing a recommendation from the SA-OAG, a controlling system should also be introduced for the operational tasks in the General Secretariat and for the FCP's investigative work.

### Strengthening national and international cooperation

The development of a reference group management system should strengthen cooperation with national and international partner authorities. One particular focus is on intensifying cooperation with the FCP and fedpol. To this end, exchanges will be expanded at all levels and in all fields of crime, regular operational reports introduced and the SAR will be developed further.

### Succession planning for key roles

Departures of key staff often lead to a significant loss of expertise and in some cases cause procedural delays. A long-term process of succession planning with corresponding promotion measures should prevent such shortcomings from arising in future.

### Forging ahead with digitalisation and technological change

The prosecution authorities must move with the times and keep up with technological advances. The OAG will continue to develop, implement and introduce technological aids to relieve the burden of the operational core business, such as digital file and case management, transcription tools and qualified e-signatures (QES). Internal procedures and services will also continue to be digitalised and optimised.

## 5 Supervisory authorities

The OAG is subject to the systemic supervision of a supervisory authority that is also appointed by the Federal Assembly (SA-OAG; Art. 23 ff. CJAA). In 2023, regular supervisory meetings and inspections again took place.

The OAG has acknowledged the SA-OAG's inspection report on cooperation between the federal and cantonal prosecution services in relation to terrorist offences and the recommendations published therein. The Attorney General of Switzerland chose not to respond to the comments made by the Supervisory Authority on specific procedural acts, not least in view of the fact that the first-instance judgments in the two cases that were evaluated had not yet become legally enforceable at the time of publication of the report. The SA-OAG has the task of monitoring the OAG and its activities, identifying potential for optimisation and issuing recommendations. In every case, these are carefully considered. Even before the report was issued, meas-

ures were devised and implemented that will further improve the important cooperation with national and in particular cantonal partner organisations.

In another report, the SA-OAG published the results of its regular inspection in 2022, in which it looked into cases that had been abandoned and decisions not to bring proceedings in the period from 2016 to 2020. The OAG also noted the recommendations on optimising case management and the presentation of concluded cases in the annual reports as well as on defending accused persons in federal criminal proceedings. Various proposals are being examined in relation to the ongoing development and introduction of digital files and of the associated new records management system. Ultimately, however, the decisive factor for the OAG is always whether the anticipated results of gathering additional data justify diverting the persons entrusted with cases away from their core task. In addition, it is the OAG's position that it applies the relevant statutory regulations in connection with issuing summary penalty orders.

The OAG also reported to the Finance Committees and Control Committees (subcommittees for the courts and the OAG) of the Federal Assembly.

## 6 Contacts in Switzerland and abroad

In the report year, in addition to contacts through mutual assistance proceedings and other work-related matters linked to specific cases, numerous personal meetings were held with representatives of the cantons, federal authorities, authorities in other countries and international organisations. These personal exchanges involving the Attorney General, his deputies and other participants make a significant contribution to a better mutual understanding and help to ensure good national and international cooperation.

Several business trips were made, including those to various regions of Italy in order to discuss strategy in cases relating to criminal organisations with the authorities there. The Attorney General met twice with Giovanni Melillo, Italy's *Procuratore nazionale antimafia e anti-terrorismo*, to discuss further cooperation between the two countries at a higher level. In September, the annual conference and general meeting of the *International Association of Prosecutors* (IAP) was held in London, at which the Attorney General of Switzerland met with counterparts from various countries around the world.

Several meetings with various parliamentary committees and federal authorities were also held, in part due to the events surrounding the takeover of Credit Suisse by UBS, the consequences of Russia's belligerent acts and cyber-attacks.

### National contacts

#### Federal Office of Police (fedpol)

Cooperation with fedpol and related organisational units, primarily the Federal Criminal Police (FCP), the Federal Security Service (FSS), the Directorate for International Police Cooperation (IPC) and the Money Laundering Reporting Office (MROS) was also constructive and productive in the report year. Regular contacts and exchanges took place not only in relation to operational proceedings, but also at management level. Topics discussed regularly included the scarce resources available for investigations.

The OAG was also active in the report year in connection with the cyberattack on the company Xplain, in which data from fedpol was also stolen and placed on the darknet. The OAG now has the task of investigating whether mistakes were made in handling confidential information.

#### Federal Intelligence Service (FIS)

General discussions with the FIS on current events were again held in the report year as part of scheduled meetings in June and December. In addition to the regular meetings, direct exchanges relating to specific cases took place when required. The FIS is an important partner for the OAG, in particular in relation to terrorism, where it provides its assessment of the threat situation. Its cooperation with the OAG in this field is founded in particular on the TETRA (TErrorist TRAcking) concept. This cooperation is efficient and guarantees a regular and rapid exchange of information. Security-relevant information assists in the early recognition and prevention of threats to internal and external security and must reach the OAG in good time and in the appropriate form in order to have the maximum effect. The interfaces between the FIS's preventive duties and those of prosecutors are recognised; they are each reviewed and discussed in partnership. The official reports issued by the FIS form a crucial basis for opening criminal proceedings.

Swiss Financial Market Supervisory Authority (FINMA)

In addition to the regular coordination meetings, a number of unscheduled meetings were held in the report year to discuss the situation involving the takeover of Credit Suisse by UBS.

In the course of 2023, the OAG received eight reports from FINMA. Four of these reports related to suspicions of exploiting insider information (Art. 154 para. 1 Financial Market Infrastructure Act [FinMIA], SR 958.1) one to suspicions of price manipulation (Art. 155 FinMIA), another one to suspicions of unlawful activities on behalf of a foreign state (Art. 271 SCC) and two to suspicions of breaches of official secrecy (Art. 320 SCC).

Federal Tax Administration (FTA)

The FTA and the OAG continued their close cooperation in 2023. They again made the optimum use of the synergies that result from their respective spheres of activity. For example, the OAG, as in the previous years, was also able in 2023 to identify potential tax offences. It is the OAG's practice to report such cases systematically to the tax authorities responsible in accordance with the applicable statutory provisions. Conversely, ongoing tax proceedings can uncover practices that are relevant to the duties that the OAG carries out. In order to optimise the reciprocal identification of relevant matters and the related cooperation, the two authorities liaise through their respective *Single Points of Contact* (SPOC).

Swiss Conference of Public Ministries (CPM)

Close cooperation with the CPM and its members is a top priority for the OAG. A highly constructive relationship contributes to ensuring a mutual exchange of information on best practices, the coordination and assertion of common interests and the resolution of unclear legal issues. The fact that the Attorney General has a seat on the board of this organisation is also proof of the importance of this body to the OAG. The CPM encourages uniform practices, which bring legal certainty in criminal law and the law of criminal procedure. It comments on federal legislative projects, issues recommendations, and influences opinion on issues concerning criminal law, the law of criminal procedure and related fields. Since October 2022, the OAG has chaired the working group on organised crime.

Conférence latine des procureurs (CLP)

The CLP is an association of the prosecutors general and the public prosecutors from the prosecution authorities in French-speaking Switzerland and Ticino, as well as those working for the Confederation, and has the aim of fostering cooperation. Once a year it holds a two-day general meeting, which the OAG hosted in the report year. Some 110 members met in September in Bern and discussed current topics and challenges. Various committees within the CLP deal with current issues in connection with law enforcement. The OAG regards the work of these committees, in which it is suitably represented, as highly important. The OAG is also represented in that one of the deputy Attorneys General is a member of the CLP office.

**International contacts**International Association of Prosecutors (IAP)

On Tuesday, 26 September 2023, in London, the IAP – the only global association for prosecution services – elected the Attorney General of Switzerland, Stefan Blättler, to be a member of its *Executive Committee*. He was elected by the members of the general meeting on the proposal of the IAP chair. The OAG is convinced that law enforcement in Switzerland can benefit from the additional networking that comes from membership of the board of this association. Increased cooperation with other countries is after all one of the OAG's strategic goals.

The IAP is an international community of public prosecutors from over 177 countries which has the aim of supporting the setting and improvement of global standards of professional conduct and professional ethics for public prosecutors, promoting the rule of law, fairness, impartiality and respect for human rights, and improving international cooperation in combating serious crime.

Organisation for Economic Co-operation and Development (OECD)

In June 2023, the OECD held the *Law Enforcement Officials* (LEO) meeting and the plenary meeting of the *Working Group on Bribery* (WGB), in which the OAG was represented. At the LEO meeting, participants heard about the activities of the *International Anti-Corruption Coordination Centre* (IACCC) and the support that this platform provides for mutual assistance proceedings related to corruption offences. Switzerland is involved with the IACCC in an observer role.

In addition, the OECD announced that it was facing budgetary problems as a result of the war in Ukraine and the Russian Federation's exclusion from the WGB, with the result that various *High-Level Missions*<sup>3</sup> that had been planned (including those to Switzerland, but also those to Finland, Hungary and South Korea) had to be postponed. The OECD regards a *High-Level Mission* to Switzerland as necessary, as it takes the view that its demands for legislation to protect whistleblowers and to introduce deterrent criminal sanctions against companies have not been implemented yet.

#### Financial Action Task Force (FATF)

The OAG participated in the work of the FATF in its role as an expert member of the Swiss working group led by the State Secretariat for International Finance (SIF). The OAG submitted opinions and drafted proposals based on its expertise as the body responsible for prosecuting offences of money laundering and terrorism financing. The OAG also coordinates the recording of statistics for the FATF, which are kept both by the OAG itself and by the cantonal prosecution services. In addition, the OAG took part in the work of the interdepartmental coordination group on combating money laundering and the financing of terrorism (CGMF) and its working groups, which identify and assess risks related to money laundering and terrorism financing at national level on behalf of the Federal Council and under the leadership of the SIF. In this way, the Federal Council is implementing the related FATF recommendation for the national assessment of such risks.

#### NADAL Network

In May 2023, the 14th Conference of the Network of Prosecutors or Equivalent Institutions before the Supreme Courts of the EU Member States (NADAL Network) took place in Malta. At the invitation of the Attorney General of Malta, the Attorney General of Switzerland attended this meeting for the first time. The aim of this conference is the mutual experience exchange between the representatives of the EU Member States' highest public prosecutors' offices. Stefan Blättler gave a presentation on "Data protection and financial crime pursuit from the perspective of a Swiss prosecution authority".

## 7 Legal questions and general information for Parliament

### **Preparatory work for the introduction of the revised Criminal Procedure Code**

On 1 January 2024, the revised Criminal Procedure Code was introduced. The OAG was closely involved in the preparations for this in the report year. It has been necessary, for example, to adapt the procedural manual and various other forms to the new provisions and to set up the technical facilities for the smooth implementation of the new Art. 78a on 'transcripts of recordings of interviews'. New software for the automatic direct transcription of the audio-visual interviews will enable the OAG to operate significantly more efficiently. An important point for the OAG is also the revised provisions on sealing procedures. By restricting the grounds for sealing documents, for example, and the shortening of periods, Parliament is seeking to expedite procedures for removing the seals on documents and thereby help to speed up complex criminal proceedings in particular.

Also worth mentioning is the duty to interview accused persons, which now applies if it is anticipated that a summary penalty order will result in the accused receiving a custodial sentence, as well as the expansion of victims' rights to information. The OAG's right of appeal against various decisions of the compulsory measures court, for example in relation to releasing a suspect from detention, has been completely abolished. It remains to be seen what effects these changes will have in practice.

### **Settlement proceedings for companies that have carried out organisational reforms and refunded unlawful income**

Regrettably, there was no place in the revised Criminal Procedure Code for the proposal that the OAG submitted as far back as 2018 of introducing the option, in line with the *Deferred Prosecution Agreement* (DPA) familiar in Anglo-American law or the *Convention judiciaire d'intérêt public* (CJIP) in France, of reaching a settlement with companies that themselves report potential cases of corporate criminal liability (Art. 102 SCC) or that cooperate fully with the prosecution authorities in the criminal investigation that spares the companies from conviction. The OAG is proposing that companies be required to pay an amount equivalent to the fine and to repay the unlawfully achieved profits as part of the settlement. In addition, they should provide restitution for the damage caused by their activities and reform the structure of their business so as to make a repetition of the offence

<sup>3</sup> A *High-Level Mission*, comprised of the Chair of the Working Group, the Head of the Anti-Corruption Division, several Heads of Delegation of Working Group members, could be arranged to the evaluated country to reinforce a certain message.

impossible. The settlement negotiated between the public prosecutor and the company should be approved by a court. The OAG still takes the view that a settlement procedure of this kind is an urgent necessity in Swiss corporate criminal law.

### Several appeals filed in the Federal Supreme Court

In relation to white-collar crime, the OAG filed several appeals with the Federal Supreme Court in the report year, four of them against decisions of the Appeals Chamber of the Federal Criminal Court and one against the decision of a cantonal compulsory measures court (CMC). The last mentioned was filed due to unjustified delay (Art. 94 Federal Supreme Court Act [FSCA]) and relates to a procedure for removing the seals on documents in proceedings relating to allegations of criminal mismanagement (Art. 158 SCC) and bribery of foreign public officials (Art. 322<sup>septies</sup> SCC). No progress can be made with the proceedings because key exhibits have been blocked since February and October 2020 respectively, and there is no prospect of a decision by the CMC. In its appeal, the OAG is demanding the immediate continuation of the proceedings.

The four other appeals relate to decisions by the Appeals Chamber of the Federal Criminal Court. The OAG alleges multiple violations of the ban on arbitrary decision-making (Art. 9 Federal Constitution), of the principle of investigation (Art. 6 CrimPC) and of the principle of fairness (Art. 3 para. 2 CrimPC) as well as incorrect findings with regard to the facts of the case (Art. 97 para. 1 FSCA).

### Legislation for witnesses who have turned state's evidence is still necessary

The lack of any comprehensive and effective regulation in Swiss criminal law for witnesses who have turned state's evidence is an ongoing issue that the Attorney General, Stefan Blättler, has already addressed on multiple occasions. The Attorney General has stressed at several public events how important it is to begin this debate again at parliamentary level. As a result of the postulate submitted in September 2023 by National Council Member Alex Farinelli for the introduction of regulations on witnesses who have turned state's evidence against the Mafia (23.4008<sup>4</sup>), the large chamber again urged the Federal Council to consider the issue. Unfortunately, it again came out against the introduction of regulations on such witnesses.

In December, the Council of States followed suit and approved a postulate for the examination of a leniency programme (23.4317<sup>5</sup>) from its Legal Affairs Committee. The Federal Council is to present the advantages and disadvantages of the introduction of such regulations. The Federal Council had also made an advance request for the rejection of this postulate. The committee had adopted the postulate following a hearing with federal prosecutor Stefan Blättler.

The OAG will maintain its demand for the introduction of regulations on witnesses who have turned state's evidence. The experiences in several countries, including Italy, France, Germany and the United States, show that regulations on these witnesses enable criminal organisations to be combated more effectively.

### Federal Council report on the Jositsch postulate: current system has proven its value

In his postulate 19.3570<sup>6</sup>, member of the Council of States Daniel Jositsch called for a review of the structure, organisation, jurisdiction and supervision of the OAG. In justification, he cited the criticism of the OAG that has continued despite changes in personnel at the very top. The Council of States only took up the call for a review of the expediency and appropriateness of the OAG's jurisdiction in relation to prosecution, in response to which the Federal Department of Justice and Police (FDJP) set up a working group comprising representatives from the legal profession and from specialist bodies. The working group had the task of assessing whether the basic structure of the current allocation of jurisdiction has proven its value, whether there is a need for change in relation to the various jurisdictional fields, and to define approaches to any changes to the rules on jurisdiction that are required.

In its report, the Federal Council<sup>7</sup> finds that the current system has in the main proven its value and no substantial reform is needed, only selective changes. The system of mandatory and optional jurisdiction for the OAG in Articles 23 and 24 CrimPC together with the current structures and levels of resources at federal and cantonal level have also proven their value. In line with

4 Postulate 23.4008 'Einführung einer Regelung für Kronzeuginnen und Kronzeugen der Mafia', submitted on 18.9.2023; not available in English

5 Postulate 23.4317 'Prüfung einer Kronzeugenregelung', submitted on 13.10.2023; not available in English

6 Postulate 19.3570 'Überprüfung von Struktur, Organisation, Zuständigkeit und Überwachung der Bundesanwaltschaft', submitted on 11.6.2019; not available in English

7 Report of the Federal Council in fulfilment of the postulate 19.3570 Jositsch of 11.6.2019 'Überprüfung von Struktur, Organisation, Zuständigkeit und Überwachung der Bundesanwaltschaft'; not available in English.

this basic conclusion, the Federal Council sees justification for bringing ‘bulk business’ and ‘trivial cases’ related to explosives offences and certain offences against official authority under cantonal jurisdiction. In view of the revised legal precedent of the Federal Supreme Court (BGE 148 IV 247), however, the OAG no longer sees any need for legislative action in relation to this, contrary to its previous demands.

The OAG had to recognise that the Federal Council is not in favour of setting a minimum value for an offence per person in cases subject to optional jurisdiction (general white-collar crime). This means that the OAG is still prevented from concentrating on Switzerland’s most important white-collar crime cases.

However, the OAG welcomes the Federal Council’s support for creating standard rules on jurisdiction for all terrorist crimes. In addition, the OAG supports the Federal Council’s intention not to change the rules on jurisdiction in relation to the trafficking and smuggling of human beings.

**Legal loophole in the area of crypto-assets: market abuse bans only provide very limited protection for crypto-markets**

Crypto-assets have experienced explosive growth in recent years. The increased liquidity, the lack of transparency and the still unclear or weak regulation at national and international level exacerbate the risk of economic offences in general. Recently, the issue of market abuse – i. e. the manipulation of crypto-asset prices and the exploitation of insider information in relation to tokens – has also come to the fore at an international level. However, the existing criminal law prohibitions on market abuse in the Financial Market Infrastructure Act (Art. 154 and 155 FinMIA) are currently only applicable to crypto-markets in exceptional cases: Their applicability requires (i) that the situation involve a security (ii) that is admitted to trading on a trading venue or DLT trading facility domiciled in Switzerland. These two cumulative conditions are unlikely to be met in the vast majority of cases relating to crypto-assets. In addition, the property offences under the Swiss Criminal Code are extremely rarely applicable to market abuse cases. The European legislator has recognised the problem and closed the corresponding legal loophole: The entry into force of the Markets in Crypto-Assets Regulation (MiCAR) brought with it new specific prohibitions on market abuse, which newly protect the crypto-markets from such conduct. These have not yet taken hold in Switzerland.

**Office locations**

The Office of the Attorney General of Switzerland is present in all parts of the country. Its headquarters are in Bern, other locations are in Zurich, Lausanne and Lugano.



# **Work of the individual divisions in the various fields of crime**

# 1 National Security and Organised Crime Division (SK<sup>8</sup>)

Once again in the report year, the National Security and Organised Crime Division has been dealing with a consistently high number of cases in a wide variety of legal fields. Its responsibilities range from the entire catalogue of ‘classic crimes against the state’ in accordance with Article 23 paragraph 1 CrimPC, through offences related to aviation (Art. 90 Aviation Act [AviA]) and other specific fields of legislation, such as that on dual-use goods, war material, sanctions and nuclear energy legislation, to offences related to organised crime under Article 260<sup>ter</sup> SCC. In addition, the SK Division deals with mutual assistance proceedings where these are related to criminal proceedings that it is conducting or where they involve covert investigations.

The SK Division provides an on-call service all year round for the entire OAG. As a result of the experience that it has gained in on-call cases, various (assistant) federal prosecutors are involved in the OAG’s terrorism task force (EOT<sup>9</sup>).

In the SK Division, the key factors for efficient and credible prosecution include well-coordinated processes, case- and subject-specific resource allocation and good cooperation with federal and cantonal partner authorities that allows it to carry out its duties and ensure constant operational readiness.

## 1.1 Field of crime National Security (ST<sup>10</sup>)

Under the heading of national security, the OAG deals with all cases that directly affect the national interest. This encompasses a broad range of criminal activity. Employees working in this field of crime have again in the report year been conducting proceedings, filing indictments and securing decisive court judgments in cases ranging from political or industrial espionage, prohibited acts for a foreign state, official secrecy offences, counterfeiting money, to aircraft accidents, misconduct in public office or even offences related to protection from radiation.

With over 1,000 reports of offences received again, the caseload in this field of crime remains high. The proportion of cases concluded is also impressive – in 2023, 276 summary penalty orders were issued and of the 710 ‘bulk business’ cases reported (counterfeit money, offences against public officials, explosives, etc.), 606 have already been dealt with.

In 2023, the staff in the National Security Unit were again confronted with a number of explosives offences, including a case against two Swiss nationals from Basel, whose case came before the Federal Criminal Court in October 2023 and who were sentenced to long prison terms by the court at the request of the OAG. In addition, in the report year Switzerland was once again affected by numerous attacks on ATMs using explosives in all parts of the country. By the end of 2023, the OAG was conducting proceedings in around 80 cases and had secured several convictions in court in this connection.

In relation to the bribery of public officials – offences that also fall within the field of national security – the appeal judgment in the Secretariat for Economic Affairs (SECO) anti-corruption case was issued at the end of November. The appeal chamber confirmed the guilty verdict against an IT contractor as well as determining, partly in separate decisions, that the first-instance judgment was in large part legally binding.

### **Bomb attacks in Basel: trial in October 2023 before the Federal Criminal Court**

The OAG accused two Swiss citizens of carrying out a bomb attack on a residential property in Basel and of subsequently travelling to Stuttgart in order to purchase explosives there for further bomb attacks in the Basel area. According to the indictment, both were motivated by planned acts of extortion with financial intent. In its judgment of 27 November 2023 (SK.2023.33), the Criminal Chamber of the Federal Criminal Court largely upheld the OAG’s indictment and sentenced the two defendants to 60 months and 74 months of imprisonment. As of the end of 2023, the judgment was not yet legally binding.

8 Abbreviation of the German term ‘Staatsschutz und Kriminelle Organisationen’

9 Abbreviation of the German term ‘Einsatzorganisation Terror’

10 Abbreviation of the German term ‘Staatsschutz’





### Field of crime National Security

The OAG was able to secure convictions in several cases in connection with attacks on ATM despite starting from a difficult position. For example, it obtained a custodial sentence of 64 months against one defendant in the first instance and an increase in the custodial sentence from 52 to 72 months against another defendant in the second instance.

### Attacks on ATMs: several cases before the Federal Criminal Court

In 2023, the OAG was able to secure convictions in several cases of this type despite a difficult environment. The cases included those related to ATMs blown open in Sevelen and Neftenbach, for which the court convicted a Romanian citizen, sentencing him to 64 months' imprisonment.

In relation to the ATMs blown open in Wilchingen and Buchberg, the appeal hearing took place in April 2023. The court upheld the OAG's submission and increased the accused's custodial sentence for the attack in Buchberg from 52 months to 72 months.

In the case of the ATM attack in Sevelen, which the OAG brought to trial in 2021, the OAG filed an appeal against the judgment of the Appeals Chamber with the Federal Supreme Court. After the Criminal Chamber, as the court of first instance, had convicted the accused, the Appeals Chamber acquitted him on appeal.

Following statements made by a defendant in the course of another main hearing concerning ATM blasts (the above-mentioned case with a custodial sentence of 64 months), the OAG applied to the Federal Supreme Court to suspend the pending appeal and at the same time filed an application for review to the Appeals Chamber of the Federal Criminal Court. This is the state of affairs at the time of issue of this annual report.

### SECO corruption case: appeal hearing before the Federal Criminal Court

The OAG brought charges in this case at the end of September 2019 and then at the end of March 2020. As part of the indictment, it accused a former head of department at SECO of having violated public procurement law in his function as procurement officer from 2004 to January 2014 in the context of numerous procurements in the IT sector for the unemployment insurance data centre. He allegedly demanded and accepted undue advantages for himself and third parties from representatives of various IT companies. In return, he had awarded the majority of IT contracts to the companies he favoured, thereby undermining competition and damaging SECO's interests. The OAG mainly accused the contractors of repeatedly offering or granting undue advantages to the former head of department. In September 2021, at the request of the OAG, the Criminal Chamber of the Federal Criminal Court found the former SECO official guilty on multiple counts of falsifying documents in office, multiple counts of accepting bribes and multiple counts of falsifying documents. Three accused IT contractors were found guilty of multiple counts of bribery, and one accused IT contractor was also found guilty on multiple counts of falsification of documents and multiple counts of criminal mismanagement (SK.2020.10).

The appeal hearing took place at the end of 2023. It dealt with the appeal of the former head of department against the sentence and the appeal of an accused former IT contractor who contested the Criminal Chamber's conviction against him in its entirety. In its judgment of 21 December 2023 (CA.2022.16), the Appeals Chamber confirmed the guilty verdict of the former IT contractor in the first instance regarding multiple bribery of the former head of procurement at SECO. The sentence was reduced slightly by one month. The Appeals Chamber reduced the sentence of the former head of department from 52 months to 31 months' imprisonment, of which 9 months were to be served unconditionally. Following the withdrawal of appeals, the Appeals Chamber also determined in some cases in separate decisions that the other guilty verdicts and sentences handed down at first instance had acquired legal force.

### **Close and continual exchange with numerous cantonal and national courts**

The broad spectrum of matters dealt with in the field of national security necessitates a close and continuous exchange with an equally large number of cantonal and national authorities, bodies and agencies.

For example, agents in this field of crime have again been working closely this year with the Zurich Forensic Science Institute (FOR), which is one of their most important partner authorities, particularly in relation to explosives offences.

The increasing number of attacks on ATMs have also intensified cooperation with the cantonal police forces and prosecution services. The OAG regards this cooperation as highly constructive and it should be expanded and strengthened in the future.

In relation to aircraft accidents, the OAG is set to receive more extensive powers as a result of Motion 18.3700<sup>11</sup> from Martin Candinas, member of the National Council. As a consequence, the report year saw a particularly high number of discussions take place with the cantonal authorities as well as with the Swiss Transportation Safety Investigation Board (STSB) and the Federal Office of Civil Aviation (FOCA). The OAG will focus closely on these discussions in the coming year as well.

Otherwise, in 2023 the staff in this field of crime once again also worked closely with other authorities, such as the FIS, fedpol and SECO.

### **Offences prosecuted on official authorisation**

#### Prosecution of federal employees / members of the Federal Assembly

The prosecution of federal employees for offences related to their official activities or position (not including road traffic offences) requires authorisation from the FDJP pursuant to Article 15 of the Government Liability Act (GLA, SR 170.32).

In principle, preliminary proceedings are only instigated if authorisation is given, although precautionary measures that cannot be delayed must be taken beforehand (Art. 303 CrimPC). According to the case law of the Federal Supreme Court, authorisation can however be obtained at any time before the start of the appeal proceedings, provided the appeal authority has full legal and factual rights of review (Judgment 6B\_142/2012 E. 2.5. of 28.2.2013).

In the case of members of public authorities and senior federal officials appointed by the Federal Assembly, the competent committees of both Councils, i.e. the Immunity Committee of the National Council and the Legal Affairs Committee of the Council of States, decide whether to grant authorisation (see Art. 14 ff. GLA). Likewise, the prosecution of members of the Federal Assembly for criminal offences that are directly connected with their official position or activity requires the authorisation of the competent committees of both Councils (Art. 17 para. 1 Parliament Act, ParlA, SR 171.10).

#### Prosecution of political offences

Under Article 66 paragraph 1 CJAA, the prosecution of political offences requires authorisation from the Federal Council. There are cases in which political interests – in particular foreign policy interests – outweigh the interest in prosecution, with the result that the national government is permitted to intervene by way of exception.

The Federal Council has delegated the power of authorisation to the FDJP (Art. 3 let. a FDJP Organisation Ordinance, SR 172.213.1). In cases that involve foreign relations, the FDJP decides after consulting the Federal Department of Foreign Affairs (FDFA); it can refer cases of particular importance to the Federal Council. When authorisation under Article 66 CJAA has been granted, authorisation from the FDJP under the GLA is also deemed to be issued (Art. 7 of the Ordinance to the GLA, SR 170.321).

#### FDJP changes its practice: new declaratory ruling for trivial cases possible

In the report year, the FDJP changed its practice on authorisation in relation to 'trivial cases'. Trivial cases include, for example, the counterfeiting of a mobilisation order or a father signing his son's ballot paper. For such cases, the FDJP, in addition to the procedure of refusing or approving authorisation, has introduced the option of a declaratory ruling. With this ruling, the FDJP formally finds that the offence whose prosecution is submitted for authorisation is not political in nature and thus authorisation from the Federal Council is not required. In the report year, the FDJP issued one declaratory ruling (see table p. 19).

<sup>11</sup> Motion 18.3700 'Die strafrechtliche Zuständigkeit bei Flugunfällen und schweren Vorfällen neu an den Bund übertragen', submitted on 15.6.2018; not available in English.

Requests for authorisation filed by the OAG in 2023	Number	Authorisation granted	Authorisation refused	Application no longer relevant	Declaratory ruling	Decision pending
Requests for authorisation to prosecute						
To the GS-FDJP pursuant to Art. 15 GLA	4	2	0	0	0	2
To the GS-FDJP pursuant to Art. 66 para. 1 CJAA (incl. Art. 302 SCC)	5	3+5*	0	0	1	1
To parliamentary committees pursuant to Art. 17 / 17a ParlA	0	0	0	0	0	0
To the Office of the Armed Forces Attorney General pursuant to Art. 219 para. 2 MCC and Art. 101a para. 1 MCJO	0	0	0	0	0	0
<b>Total</b>	<b>9</b>	<b>5+5*</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>3</b>

\* In the report year, five decisions were taken relating to several pending applications from 2022. All authorisations under Article 66 CJAA were granted.

## 1.2 Field of crime Organised Crime (KO<sup>12</sup>)

Cooperation between the prosecution and security services operating at cantonal, national and international levels is an essential factor in combating organised crime. Work in the report year was made more difficult by the fact that the Federal Criminal Police (FCP) do not have sufficient resources to cope with the new cases related to organised crime.

The phenomena and cases involved in this particular field require a constant exchange of information and an exchange of instruments, procedures and experiences among the various authorities involved in combating organised crime. The contacts made over the course of time become increasingly valuable and often lead to strategically vital cooperation that facilitates the continual exchange of information in relation to prosecutions as well as the simplification and improved coordination of the investigations ongoing at any given time. To this end, the SK Division recently took steps to encourage and intensify cooperation by means of two specific initiatives, one relating to cooperation between the OAG and the cantonal prosecution services, and the other relating to the strategy for combating organised crime.

## Combating criminal organisations: intensifying national cooperation

In the Swiss Conference of Public Ministries (CPM; see p. 11) the OAG has strongly supported the revival of the ‘Organised Crime’ working group. To this end, a new body chaired by the Italian-speaking federal prosecutor responsible for organised crime cases at the OAG, supported by a colleague from Zurich and a second colleague from the Valais, has been set up with the aim of getting all regions and language regions involved. In addition to planning and organising the working group’s activities and initiatives, the new committee has pinpointed three basic issues around which it intends to pursue its mission and realise its goals:

- Cooperation between the Confederation and the cantons: Efficient and continuous cooperation between the prosecution authorities at national level is decisive in understanding and successfully combating organised crime in Switzerland.
- Specialisation: Combating organised crime requires the prosecution authorities to show increasing flexibility, as they must constantly adapt to the dynamics of changing criminal phenomena. The dialogue and exchange of expertise and proven practices between the cantonal and federal authorities are therefore essential to achieving this.

12 Abbreviation of the German term ‘Kriminelle Organisationen’

- Forfeiture: Among the measures that can be used within the Swiss legal framework, the forfeiture of assets that can be traced back to criminal organisations is especially effective and potentially damaging to the organisations themselves. This measure can be further improved in the future, not least through closer cooperation between the cantons and between the cantons and the Confederation.

The *Conférence latine des procureurs* (CLP; see p. 11) is heading in the same direction. Its annual meeting is hosted alternately by one of the participant cantons; the latest event was held in September 2023 in Bern at the OAG's headquarters. The activities that the CLP organises include regular meetings for several specialised working groups at which they discuss issues in their specialist fields. The 'Organised Crime' working group holds meetings for federal prosecutors and detectives involved in the fight against organised crime in the various cantons and at federal level. In 2023, the working group began a process of reflection that aims to identify potential scope for cooperation and solutions that can help improve joint efforts being made in the fight against organised crime in Switzerland. To this end, an analysis of the current situation in the French- and Italian-speaking cantons of Switzerland was carried out with the support of all the actors concerned, in order to define new models and processes for cooperation between the prosecution authorities operating at cantonal and federal level.

### **Responsibility for initial investigations**

If an offence under the Criminal Code has been committed, the process of deciding whether the federal or the cantonal authorities have jurisdiction sometimes slows progress in the criminal proceedings and undermines the principle of expeditious action. Urgent measures such as searches, questioning suspects and arrests may only be carried out once it has been decided which authority is responsible for the prosecution. Under Article 27 paragraph 2 CrimPC, in the case of offences that have been committed wholly or partly in several cantons or abroad and in which it has not yet been established whether the criminal proceedings fall under federal or cantonal jurisdiction, the initial investigations may be carried out by the federal criminal justice authorities. This provision allows the OAG to instigate criminal proceedings and initial investigative measures promptly where there are clear indications that an offence has been committed on Swiss sovereign territory. This instrument has proven its value over the course of time in the fight against criminal organisations and it also facilitates cooperation between the OAG and the cantonal prosecution authorities, for example, in arresting drug couriers and seizing large quantities of narcotics.



### **Field of crime Organised Crime**

Good contacts with the law enforcement authorities in Italy, for example, often lead to strategically vital cooperation that facilitates the continual exchange of information in relation to prosecutions as well as the simplification and improved coordination of the investigations ongoing at any given time.

## 2 White-Collar Crime Division (WiKri<sup>13</sup>)

Enormous volumes of data, the international dimension of the cases, highly complex (suspected) crimes and the large number of people involved, not to mention a keen media interest: they all shape the character of the largest division within the OAG and the challenges it faces.

The WiKri Division is responsible for all serious forms of international and intercantonal economic crime. These include cases of international corruption and money laundering and other economic offences of national or international significance. In addition, the Division also conducts criminal proceedings related to stock market offences (insider dealing, market manipulation). The division has staff at all the OAG's office locations (Bern, Lausanne, Lugano, and Zurich).

Just one search of a house or business can leave the OAG with the task of dealing with an enormous volume of data that must be assessed in complex analyses. Regularly, cases also involve the sealing of data. Months, in some cases even as long as four years, can pass before the compulsory measures court decides whether the OAG may be granted access to the sealed data. The OAG has high hopes of the new provisions in the revised CrimPC that aim to shorten the time taken in the procedure for removing the seals on documents.

### International nature of proceedings and multiplicity of persons implicated

The white-collar crime cases that the OAG handles are characterised by their international dimension, which makes the investigations extremely complex and time-consuming. In almost every case, the OAG has to request international mutual assistance. Consideration must be given to the fact that other countries have different legal systems: for example, in some countries a specific factual circumstance may not be assessed in the same way as it would in Switzerland. Added to this, certain countries, for various reasons, may have little or no interest in granting mutual assistance.

In white-collar crime cases there are often many parties implicated in the proceedings, and there are often several suspects under investigation. Furthermore, in some cases there are a large number of victims, sometimes well over a thousand, who may wish to become private claimants. Investigating the circumstances requires numerous interviews with suspects and witnesses and rights of participation must be respected.

In order to meet all these challenges, which contribute to ensuring that criminal proceedings related to white-collar offences often last a long time, the Division relies on synergies: cooperation with partners within and outside the OAG, at national and international level, is indispensable, as is flexibility in the use of resources. The need to develop new instruments that facilitate the investigation and prosecution of international corruption and money laundering in cross-border case complexes must seriously be considered.

### Takeover of Credit Suisse by UBS: signs of criminal activity?

On 19 March 2023, the announcement that Credit Suisse was to be taken over by UBS sent shock waves through the Swiss banking sector. The OAG immediately set up an internal monitoring process in order to take swift action should any matters come to light that fell within its sphere of activity. The OAG also mandated various internal and external bodies to investigate events surrounding the takeover for any offences under Articles 23 and 24 CrimPC. Various complaints of criminal conduct received through cantonal authorities have been and are being examined. The OAG regards it as important to proactively comply with its mandate and responsibility to help ensure that Switzerland's financial sector abides by the law.

### 2.1 Field of crime General white-collar crime (AW<sup>14</sup>)

The field of general white-collar crime encompasses proceedings involving financial market offences (market abuse), which fall within the exclusive jurisdiction of the Confederation. It also covers offences against property and the forgery of documents.

In relation to cases of market abuse, federal jurisdiction makes it possible to specialise in cases with high technical complexity and use analysts with specific expertise in financial markets. When dealing with these cases, cooperation with FINMA is especially close in order to exploit the available synergies and optimise the way in which the proceedings are conducted on both sides.

<sup>13</sup> Abbreviation of the German term 'Wirtschaftskriminalität'

<sup>14</sup> Abbreviation of the German term 'Allgemeine Wirtschaftskriminalität'

At an international level, cooperation among prosecution authorities is made easier in cases of market abuse by the fact that jurisdiction is often mutually exclusive. In its prosecutions, the OAG focuses on the prosecution of insider offences, both by individual offenders and by 'insider groups'.

In relation to offences against property, the OAG deals with cases that have a predominantly international or intercantonal dimension. These are proceedings where federal jurisdiction is optional or, where there is downstream money laundering, compulsory. Where jurisdiction is optional, the OAG follows the principle of the primacy of cantonal jurisdiction. The cases that the OAG takes over relate primarily to economic offences committed as part of a series, which pose special challenges, particularly in view of the number of victims. The OAG has developed strategies and instruments to cope with these challenges. In addition, the OAG has implemented measures to deal with the constant advance of digitalisation.

#### **Groundbreaking case law:**

##### **'front running' as criminal insider dealing**

In relation to insider offences, the OAG was successful in securing a groundbreaking court judgment in the report year. For the first time, the Federal Criminal Court held that 'front running' constituted criminal insider dealing – a question that had not been answered previously in legal expert opinion or in practice. In specific terms, the OAG accused a former employee of the St Gallen Cantonal Department of Finance and of the St Gallen pension fund of exploiting his position as a portfolio manager responsible for managing second-pillar pension contributions made by employees of the Canton of St Gallen. Between 2008 and 2018, the portfolio manager, unlawfully and in breach of his duties, coordinated his private share transactions with the share transactions he carried out in his official capacity in such a way that he made a private profit of over CHF 2 million. The court upheld the OAG's submissions on the key points and convicted the portfolio manager on several charges of misconduct in public office (Art. 314 SCC), exploitation of insider information (Art. 154 para. 1 let. a in conjunction with para. 2 FinMIA and Art. 40 para. 1 let. a in conjunction with para. 2 Stock Markets and Securities Trading Act) and money laundering (Art. 305<sup>bis</sup> no 1 SCC), imposing a suspended custodial sentence of two years and ordering him to repay an unlawfully obtained financial advantage amounting to CHF 2.3 million. The accused was acquitted of charges of criminal mismanagement (Art. 158 no 1 para. 1 + 3 SCC) and of the exploitation of insider information in relation to certain transactions. As the judgment dated 21 June 2023 was not yet legally binding at the end of the reporting year, the presumption of innocence continues to apply.



##### **Field of crime General white-collar crime**

For the first time, the Federal Criminal Court decided that 'front running' should be qualified as insider dealing that is punishable. The case was centred on a former portfolio manager who in the management of second pillar pension fund assets coordinated his personal share transactions with his official share transactions in such a way that he realised a personal profit of more than CHF 2 million.

### **Insider information in the digital domain – when does it stop being ‘confidential’?**

A further case provided an answer to the question of how long information can remain confidential in the digital domain. The case related to a new release of a chat application by a Swiss software manufacturer, which at the relevant time was listed on the stock exchange. On 7 June 2014, without any advance notice, the software manufacturer made the new release of its app available to download in *Google Play Store* and on its website. The accused discovered the new version and congratulated the CEO and CFO of the company at the time about it. The CEO informed the accused that the formal announcement was planned for the following day. On the same day, the accused bought shares in the software manufacturer, making a considerable profit because of the rise in the stock market price on the following day as a result of the official announcement. The OAG took the view that the accused, by his acts, had exploited confidential information about the public announcement of the new version of the app as a secondary insider. The Federal Criminal Court, however, in its first- and second-instance judgments held that the information on the release was made public as soon as the release was made available in *Google Play Store* and on the company’s website and thus could no longer be regarded as confidential (SK.2020.59 and CA.2021.13).

### **World football proceedings: the OAG insists on a conviction for aggravated criminal mismanagement**

In March 2017, the OAG opened proceedings with regard to the granting of media rights by FIFA as part of the series of cases connected with world football. In first- and second-instance judgments, the Federal Criminal Court convicted the former Secretary General of FIFA of multiple charges of forgery. In its second-instance judgment, the Appeals Chamber – in contrast to the first-instance Criminal Chamber – also convicted the former FIFA Secretary General and the beneficial owners of TAF Sports Marketing SA of the charge of repeated private sector bribery. However, both chambers found that there was insufficient proof of the charge of aggravated criminal mismanagement or incitement thereto, both in the case of the first two accused and that of a third accused, the president of beIN Media Group LLC (CA.2021.3; not yet legally binding end of 2023).

However, the OAG applied for the Federal Supreme Court to review the reason cited for this decision, the legal technicality of the lack of any damage.<sup>15</sup> Based on the most recent case law from the Federal Supreme Court<sup>16</sup>, the OAG takes the view that the former Secretary General of FIFA caused damage and thus committed the offence of criminal mismanagement: based on the ‘bribery agreements’, which both courts found to have existed, the former FIFA Secretary General accepted unlawful advantages, failed to inform FIFA that he had received these advantages and failed to hand these advantages over to FIFA in violation of his obligations as its managing director. The OAG takes the view that the two other accused incited the former FIFA Secretary General to commit the offence of criminal mismanagement. Until a legally binding conviction applies, the three accused must as always be presumed innocent.

### **Conclusion of the most serious case of insider dealing in Switzerland so far**

In the report year, the Federal Criminal Court published the grounds for the appeal judgment in the proceedings against the prominent multi-board director Hans Ziegler (CA.2021.19). This brought the most serious insider dealing case in Switzerland to date to an end. The OAG accepted the judgment and thus drew a line under the extensive investigations into numerous cases of insider dealing and the betrayal of business secrets by Ziegler, as well as the exploitation of betrayed secrets by a financial advisor at the investment bank Lazard GmbH. Ziegler was sentenced to a conditional custodial sentence of 22 months, a conditional fine of 148 daily rates and a fine for multiple instances of exploitation of insider information. In addition, an unlawful pecuniary advantage of around CHF 708,000 was confiscated; the amount will go to the state coffers. The financial advisor was sentenced to a conditional fine of 210 daily rates and a fine. The Federal Administrative Court had previously ladled off around CHF 1,275 million in the administrative proceedings instituted by FINMA against Ziegler, which partly concerned the same instance of insider dealing and were based on findings by the OAG (B-4763/2017).

<sup>15</sup> See the Annual Report for 2022, p. 21

<sup>16</sup> See in particular BGE 144 IV 294

## 2.2 Field of crime Money laundering (GW<sup>17</sup>)

At the OAG, money laundering is a field of crime that primarily covers all significant money laundering cases with cross-border character in which the predicate offence to the money laundering is normally corruption and in certain cases fraud, the offence was committed abroad and the laundering of the proceeds from the offence is mainly carried out abroad. This last-mentioned criterion provides the grounds for federal jurisdiction (Art. 24 para. 1 let. a CrimPC).

The cases that the OAG handles normally originate from reports filed by the Money Laundering Reporting Office (MROS) in response to reports of suspicious transactions submitted by financial intermediaries. Most cases follow a pattern that has been observed for years, according to which assets of criminal origin that have been brought into Switzerland have already been laundered or 'pre-laundered' in numerous transactions that often fall under the jurisdiction of many different foreign courts.

These two components – a predicate offence abroad and 'pre-laundering' abroad – pose a considerable challenge when it comes to the duration of the investigations and the outcome of the case, both of which are heavily dependent on the mutual assistance granted by the countries involved.

In particular the difficulty of obtaining proof of the predicate offence abroad can become an insurmountable obstacle, especially if the country concerned fails to provide the OAG with the mutual assistance requested, only does so in part, or fails to do so within a reasonable time. The situation is also difficult if no investigations are being carried out in the country concerned. However, it should be pointed out that the prosecution or conviction of the perpetrators in the country in which the predicate offence was committed is not a mandatory requirement.

These special features and the ever more complex paths that money launderers take also require considerable resources when it comes to financial analysis. This is especially the case if it is not only the money laundering that is subject to criminal proceedings, but the assets of criminal origin are also to be forfeited so as to abide by the principle that crime should not pay.

### **1MDB complex: two executives of Petrosaudi indicted in the Federal Criminal Court**

In the investigations in connection with the embezzlement of several billion dollars from the Malaysian state-owned fund 1Malaysia Development Berhad (1MDB), on 25 April 2023, the OAG filed an indictment against two executives of the company Petrosaudi. The two accused are alleged, with the intention of enriching themselves or others, to have misappropriated and laundered at least USD 1.8 billion. The money in question was supposed to have been paid by 1MDB in connection with a joint venture with Petrosaudi and later converted into an Islamic loan. The alleged criminal acts cover a period from 2009 until at least 2015 and, according to the indictment, comprise the offences of commercial fraud (Art. 146 paras 1 and 2 SCC), aggravated criminal mismanagement (Art. 158 no 1 para. 3 SCC) and aggravated money laundering (Art. 305<sup>bis</sup> nos 1 and 2 SCC).

The criminal investigation into the embezzlement of funds from the joint venture and the Islamic loan between Petrosaudi and 1MDB as well as the alleged laundering of the funds may be regarded as the Swiss component of the '1MDB complex', which is part of a far larger international pattern that has already led numerous authorities to open criminal proceedings. The complex investigations, which the OAG began in November 2017, have not only involved interviews with suspects, persons providing information and witnesses in Switzerland and abroad, but have also necessitated the examination of hundreds of thousands of documents from Petrosaudi's email accounts and provided through international mutual assistance, as well as the comprehensive forensic analysis of the movements of money.

### **Indictment filed in the Federal Criminal Court against Gulnara Karimova and the former managing director of a telecommunications company**

Following an investigation opened in response to an MROS report, on 28 September 2023, the OAG filed an indictment in the Federal Criminal Court against Gulnara Karimova, daughter of the former president of the Republic of Uzbekistan, Islam Karimov, and against the former managing director of the Uzbek subsidiary of a Russian telecommunications company. According to the indictment, the two accused were involved in a criminal organisation operating in various countries, including Switzerland. The charges cover a period from 2005 to 2013 and include participating in a criminal organisation (Art. 260<sup>ter</sup> SCC), money laundering (Art. 305<sup>bis</sup> SCC), bribery of foreign public officials (Art. 322<sup>septies</sup> para. 2 SCC) and forgery of documents (Art. 251 SCC).

<sup>17</sup> Abbreviation of the German term 'Geldwäscherei'



### Field of crime

#### Money laundering

The OAG accuses Gulnara Karimova of laundering several hundred million francs through her criminal hierarchical structure 'Office', which is said to have consisted of several dozen people and numerous companies.



Gulnara Karimova is alleged at least from 2001 to 2013 to have built and run a criminal hierarchical organisation known as the 'Office', which is said to have consisted of several dozen persons and a number of companies. This organisation is believed to have paid funds that it had obtained from Uzbek telecommunications companies into various bank accounts through several countries and various companies, before they were transferred in most cases to Switzerland to bank accounts that had been opened under the company name the 'Office'.

Between 2018 and 2021, the investigation led to four persons being convicted of money laundering and forgery of documents by summary penalty order. More than CHF 340 million was forfeited in order to be returned to Uzbekistan. Currently more than CHF 440 million in assets have been frozen in the proceedings against Gulnara Karimova and the second accused.

The international dimension of this case has meant that several countries have instigated criminal investigations in this connection, in particular based on information from the OAG. In addition, the OAG has filed and received several requests for mutual assistance in connection with the case in a total of 19 countries.

#### International cooperation: coordinated operation involving a joint investigation team

In June 2023, in a joint operation by the Italian, German and Swiss authorities, ten members of a criminal network were arrested who were involved in smuggling gold and other valuables as well as in money laundering activities. More than 150 police officers were deployed in the operation, which took place in Italy, Germany and Switzerland. In Switzerland, several buildings were searched and two arrests were made. The OAG is conducting criminal proceedings in this connection against two persons who are suspected of aggravated money laundering (Art. 305<sup>bis</sup> Sec. 1 and Sec. 2 SCC). The operation was carried out by a joint investigation team (JIT) that included the public prosecutor's office in Milan and which was supported by Eurojust and Europol. Fedpol was also involved. The JIT is a special form of international mutual assistance, in which two or more member states and/or other parties enter into a time-limited agreement for a specific purpose. This form of the cooperation, which proved effective in this particular case, makes it possible to share in real time all the information gathered in the investigations in each of the participant countries. This information must then be transmitted by formal mutual assistance in order that it may be used in evidence.

### 2.3 Field of crime International corruption (IK<sup>18</sup>)

As a significant international financial centre and the home to a range of large companies operating in important economic sectors (e.g. commodities trading, pharmaceuticals and microtechnologies), Switzerland is regularly the focus of international attention.

International corruption is a field of crime involving cases of bribery of foreign public officials (a criminal offence under Article 322<sup>septies</sup> SCC since 1.7.2006) and related offences. Cases in this field are commonly opened in response to information obtained from foreign requests for mutual assistance, reports submitted by MROS to the OAG, or criminal complaints.

In cases of international corruption, coordinated cooperation between the prosecution authorities in the countries concerned is crucial. If there is a lack of will to prosecute in the foreign state whose citizen is the bribed public official, this makes it considerably more difficult or indeed impossible for the OAG to investigate the bribery allegation and to secure a conviction or to return any bribes seized in Switzerland. The investigations conducted in this field of crime often have a close connection with those in the field of money laundering.

In view of the international dimension of these cases and the increasing importance of global resolutions, i.e. the conclusion of proceedings coordinated between various states, cooperation and the development of joint investigation strategies with foreign prosecution authorities are of key importance. The OAG also attaches considerable weight to dialogue with the companies

that are under scrutiny, the possibility of filing voluntary reports and a company's cooperation in an ongoing criminal investigation.

Lastly, the OAG pursues a proactive strategy in relation to international corruption investigations, in that, if possible and appropriate, it notifies foreign prosecution authorities of available evidence and the possibility of filing a request for mutual assistance by means of spontaneous transmissions of information.

#### Summary penalty orders for two international companies

In relation to international corruption, at the end of 2022 and in the report year, the OAG secured two significant convictions by summary penalty order of international companies based in Switzerland. On 2 December 2022, the OAG convicted ABB Management Services AG, imposing a fine of CHF 4 million, because it had not taken all the required and reasonable organisational measures to prevent bribes from being paid to foreign public officials in South Africa. In specific terms, various employees of ABB from 2013 onwards developed a corruption scheme in order to obtain contracts in connection with the construction of a coal-fired power station in South Africa by making excessive payments to subcontractors. In this way, ABB South Africa used bribes amounting to at least CHF 1.3 million to secure contracts worth at least USD 200 million. A claim for compensation was withdrawn, as ABB made a compensatory payment of USD 104 million to South Africa.

18 Abbreviation of the German term 'Internationale Korruption'

#### Field of crime International corruption

With the indictment against Trafigura Beheer BV, the Federal Criminal Court must for the first time assess the criminal liability of a company in relation to the bribery of foreign public officials.



**Corporate criminal liability – where do we stand today?**

Country	Share of global GDP in %	Number of sanctioned companies (by agreement or decision)	Sanctions per 1% global GDP share
1. Switzerland	0.47	8	17.02
2. Norway	0.27	3	11.11
3. Netherlands	0.77	8	10.39
4. United States	16.02	145	9.05
5. Israel	0.29	2	6.90
6. Korea	1.67	9	5.39
7. United Kingdom	2.43	12	4.94
8. France	2.48	12	4.84
9. Belgium	0.47	2	4.26
10. Denmark	0.26	1	3.85
11. Italy	1.99	7	3.52
12. Germany	3.50	12	3.43
13. Canada	1.44	4	2.78
14. Chile	0.36	1	2.78
15. Australia	1.04	2	1.92

Source: OECD, *Enforcement of the Anti-Bribery Convention* (2019)

On 27 April 2023, the OAG found the company SICPA SA criminally liable in connection with corrupt payments, ordering it to pay a total of CHF 81 million. The penalty comprised a fine of CHF 1 million and a compensation payment of CHF 80 million. As a result of the organisational shortcomings identified, SICPA employees were able to bribe foreign public officials in connection with transactions in Brazil, Colombia and Venezuela. Both summary penalty orders are now legally binding.

**Successes despite an unsatisfactory legal position**

The OAG has on multiple occasions made the point that the maximum penalty under the law in Switzerland of CHF 5 million for companies that are held liable for committing criminal offences is too low and that Swiss criminal law also needs additional instruments in this legal field. Encouragingly, in September 2023 the Council of States approved a motion to increase the maximum fine and introduce enhanced protection for whistle-blowers – a step in the right direction.

Despite the difficult legal position, the OAG has been able to mark up some successes since the introduction of corporate criminal liability in 2003 and has issued a total of twelve summary penalty orders and secured two convictions before the Federal Criminal Court.

A further 20 or so cases based on Article 102 SCC are ongoing. Measured against global GDP (see table), Switzerland stands in first place when it comes to prosecuting companies.

**New indictment in the Federal Criminal Court**

The fact that Switzerland is active in the prosecution of companies is also shown by the indictment filed against Trafigura Beheer BV, a former and a current employee of the company, and against the former CEO of the Angolan state company Sonangol on charges of bribery of foreign public officials (Art. 322<sup>septies</sup> SCC); Trafigura is charged with being criminally liable as a company for these bribery offences (Art. 102 SCC in conjunction with Art. 322<sup>septies</sup> SCC). The OAG alleges that the company failed to take all the required and reasonable organisational measures to prevent the payment of bribes of over EUR 4 million by the two employees of the company between 2009 and 2011 to the CEO of Sonangol at the time. In return, the latter ensured that the international commodities trading company was able to expand its business operations in Angola in relation to shipping, chartering and bunkering. The presumption of innocence applies until the conviction becomes legally binding.

### 3 International Mutual Legal Assistance, Terrorism, International Criminal Law and Cyber-crime Division (RTVC<sup>19</sup>)

In this report year, the effect of the political situation in all the fields of crime covered by the RTVC Division has become more acute. Russia's war of aggression against Ukraine led to a suspension of all pending mutual assistance proceedings with Russia and prevented the instigation of investigations into violations of international criminal law. Preliminary investigations into suspicious transactions between Switzerland and Palestine took on a new dimension with the attack by Hamas on Israel, leading to more extensive measures being taken and cooperation with the federal government's newly created Middle East task force. And lastly, several cases had to be opened or taken over from the cantons concerned following hacker attacks by criminal gangs on the Confederation and on IT companies that manage sensitive data for cantonal institutions, businesses and federal authorities.

These tasks, which have to be dealt with in addition to the day-to-day business, call for extra flexibility at all levels and in particular on the part of the employees of the RTVC Division, as well as an even greater degree of prioritisation when processing these often highly complex case portfolios.

From the large number of cases conducted during the report year, the need for brevity means that only a few can be highlighted by way of example. With the confirmation of the first-instance conviction of Alieu Kosiah, a former Liberian war lord, for war crimes and crimes against humanity by the Appeals Chamber of the Federal Criminal Court, Switzerland has seen an historic judgment handed down that has drawn a great deal of attention around the world. The judgment, with the 20-year custodial sentence that was imposed, is an impressive example of the will and the ability of the OAG and Switzerland itself to pursue crimes under international criminal law, consistently and successfully. By filing an indictment against the former Gambian interior minister, Ousman Sonko, and by bringing the former Algerian defence minister Khaled Nezzar to court, the OAG is also paying particular attention to this important strategic focus for its operations.

The terrorism team also secured significant results against individuals and groups, including in the cases of jihadist-motivated attacks by radicalised individuals in Morges and Lugano and a number of activities relating to funding, propaganda and recruitment for the IS and al-Qaeda. The specialists of the Cybercrime Unit have for some time been confronted with a steady rise in complex cases of cybercrime and several ransomware attacks on companies that fall under federal jurisdiction, as well as DDoS (*distributed denial of service*) attacks on various websites. In this connection, the cyber team was successful in identifying and arresting one of the heads of a criminal group operating from Delhi that had defrauded 85 Swiss customers of around CHF 135,000. The international mutual assistance team, in addition to its day-to-day business, was called on to deal with a number of legally complex issues and appeal proceedings in connection with the suspension of mutual assistance proceedings with Russia; at the time of publication of this report, these proceedings had yet to be finally concluded.

#### 3.1 Field of crime Mutual legal assistance (RH<sup>20</sup>)

As a result of the organisational structure of the OAG, requests for mutual assistance are handled by specialists in the Mutual Legal Assistance Division. If the request for mutual legal assistance has a direct connection with proceedings conducted in another division or involving another category of offences, it is usually transferred to the federal prosecutor in charge of the case. This ensures coordination of cases and means that the individual steps can be carried out more efficiently. In certain more complex cases, where the administrative burden associated with providing mutual legal assistance could interfere with the criminal proceedings, a task force is deployed.

19 Abbreviation of the German term 'Rechtshilfe, Terrorismus, Völkerstrafrecht und Cyberkriminalität'

20 Abbreviation of the German term 'Rechtshilfe'

In view of current crime phenomena, the OAG's mastery of international mutual legal assistance procedures is a crucial skill applicable in a variety of fields. The OAG's specialists in mutual legal assistance contribute their expertise through advice, knowledge of case law developments and professional training, as well as by supporting various services. They also stand ready to assist the entire OAG (especially on the Attorney General's Operational Committee). Conversely, in cases where the execution of foreign requests for mutual legal assistance requires special expertise, specialists from the other divisions are consulted.

In the report year, a particular issue for the employees working in this field was how to deal with assets that had already been frozen by way of mutual assistance at Russia's request before the start of the Russian war of aggression. The OAG had already decided shortly after the outbreak of the war to suspend the processing of Russian requests for mutual assistance as a temporary measure.

#### **The Federal Supreme Court upholds the processing of requests for mutual assistance by a joint investigation team**

In a judgment in connection with the investigations into suspicions of money laundering involving the Banco Espírito Santo, a major Portuguese bank, the Federal Supreme Court for the first time expressed its opinion on dealing with a request for mutual assistance by using a joint investigation team (JIT). The Swiss and Portuguese authorities set up a JIT because of the international dimension of the investigations and the large number of persons concerned in Switzerland and abroad. In his appeal, one of the accused complained that forming the JIT had allowed the Portuguese authorities to provide information prematurely and that this information was used not only for investigative activities but also to reach a final decision. The Federal Supreme Court rejected the appeal, thus upholding the OAG's practice of mutual assistance by means of the JIT (1C\_127/2023).

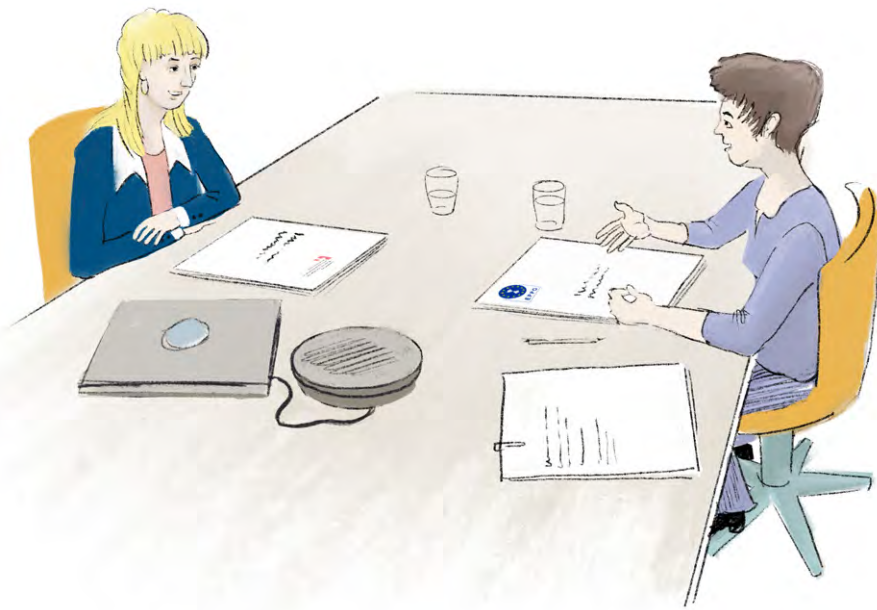
#### **Assets of the Sendero Luminoso forfeited to Peru**

By executing a forfeiture order, the OAG assisted Peru in concluding a dark chapter in connection with the terrorist organisation *Sendero Luminoso*. The judgment of the special court for *extinción de dominio* (extinction of ownership rights) related to an account at a Swiss private bank attributed to a Peruvian citizen who had provided the *Sendero Luminoso* with financial and logistical support. The OAG seized the assets concerned back in 2017, freezing them in response to an initial request for mutual assistance from Peru in 2018. In July 2020, a supplementary request for mutual assistance was filed calling for the assets to remain frozen. In September 2021, the OAG received a request for the execution of the forfeiture order, and at the end of 2022, the OAG ordered the return of the assets, amounting to around USD 900,000, to the Peruvian state fund to enable their forfeiture. This decision became legally binding in 2023 and the funds were forwarded to the Federal Office of Justice (FOJ), which is responsible for the potential sharing of these assets with Peru.

#### **Russian funds seized before the outbreak of Ukraine conflict remain frozen**

At the start of the report year, the Federal Supreme Court took an urgently needed decision on what to do with assets that had already been frozen at Russia's request by way of mutual assistance before the Russian war of aggression. The OAG had already decided as a temporary measure shortly after the outbreak of the war not to grant mutual assistance to the Russian Federation any more, but that seized assets should remain frozen. In its decision dated 30 January 2023, the Federal Supreme Court upheld the OAG's decision that seized assets must remain frozen until further notice (1C\_477/2022).

The Federal Supreme Court will soon have to rule on this issue again now that the FOJ has lodged an appeal against a decision by the Federal Criminal Court ordering the release of the frozen funds (RR.2022.183).



### **Field of crime Mutual legal assistance**

The cooperation with the European Public Prosecutor's Office (EPPO) opens up new possibilities that should facilitate the Europe-wide prosecution of offences.

### **New option for cooperation with the European Public Prosecutor's Office (EPPO)**

Since 15 February 2023, the OAG has been able to work with the European Public Prosecutor's Office (EPPO) under the law on International Mutual Assistance in Criminal Matters (IMAC). Previously, this was not possible, and requests for mutual assistance to the EU authority had to be rejected. The new ordinance on cooperation with the EPPO now allows cooperation on the basis of mutual assistance conventions. In particular, the ordinance permits an exchange of information and evidence including witness testimony, evidentiary productions and documents. This should facilitate the Europe-wide prosecution of offences.

### **3.2 Field of crime Terrorism (TE)**

In the report year, the number of pending cases in relation to terrorism rose to around 100. The proceedings primarily involve cases of jihadist-motivated terrorism. In several court proceedings, the OAG secured further decisive judgments, thereby also enabling various legal issues to be clarified.

The number of cases, which has remained stable at a high level for years but is still tending to rise, indicates that the threat of jihadist-motivated terrorism is still very present in Switzerland. Terrorism remains a strategic priority for the OAG.

The proceedings under this heading cover a broad spectrum of factual situations. Their subject matter includes recruitment for banned terrorist organisations, funding such organisations, propaganda, and jihadist-motivated travellers and returnees.

Even before the tragic events in Israel and Gaza, the OAG had begun investigations in the report year into persons in Switzerland suspected of funding activities for Hamas. The OAG has also been involved in the role of observer in the work of the Federal Council task force set up to deal with this issue.

When conducting proceedings in relation to terrorism, close and continuous cooperation with national and international partner authorities is indispensable, which is why the OAG again made every effort to further intensify this cooperation this year.

### **Several significant judgments**

In 2023, the OAG again filed several indictments in relation to terrorism offences and was successful in securing significant judgments, including that of the Appeals Chamber of the Federal Criminal Court on the jihadist-motivated attack in Lugano. In response to the OAG's submissions, the court increased the custodial sentence to 10 years and 6 months. In addition, the court held for the first time, as argued by the OAG, that there is 'ideal concurrence' between the offences of attempted multiple murders and a violation of Article 2 of the Al-Qaeda/IS Act.

In several cases, the OAG was able to consolidate the case law on compulsory expulsion from Switzerland when dealing with a violation of Article 2 of the Al-Qaeda/IS Act. In a judgment from 2021, the Appeals

Chamber of the Federal Criminal Court for the first time upheld the OAG's opinion that a loophole in Article 66a paragraph 1 SCC due to an error by the legislature should be closed by the courts, so that a violation of Article 2 of the Al-Qaeda/IS Act also belongs on the list of offences that trigger a compulsory expulsion order. In several first-instance judgments in 2023, the Criminal Chamber of the Federal Criminal Court expressly disagreed with this legal precedent. However, in response to a related appeal by the OAG, the Appeals Chamber confirmed that this loophole was correctly closed.

**Searches and arrests in French-speaking Switzerland**

In August, the OAG carried out several searches of houses and business premises in the cantons of Vaud and Neuchâtel, arresting four persons. The suspects are believed to have carried out various support activities for a terrorist group. The related proceedings were still ongoing at the end of 2023.

**Field of crime Terrorism**

The OAG has filed several indictments in the area of jihad-driven terrorism, including for the spread of propaganda, and has obtained significant convictions for offences against Article 2 of the Al-Qaeda/IS Act.



**Legal issues: 'ideal concurrence' between the offences of attempted multiple murders and violation of Article 2 of the Al-Qaeda/IS Act**

In the proceedings relating to the jihadist-motivated attack in Lugano in 2020, the OAG helped to clarify a hitherto unresolved legal issue through its appeal, which will also be important in other cases of this type. The Criminal Chamber had as the court of first instance decided that there was no ideal concurrence between the two offences mentioned in the heading, because the offence in Article 2 of the Al-Qaeda/IS Act was subordinate to the offence of attempted multiple murders (what it termed 'false concurrence').

In the appeal proceedings, the OAG argued that it should be recognised that there was genuine concurrence between the two offences and that, based on the circumstances of the knife attack, the accused had to be convicted of both offences. The Appeals Chamber followed this argument in its entirety and held in its judgment CA.2022.27 that there was 'ideal concurrence' between the two offences. As a result of this and as a consequence of the severity of the second murder attempt, the court increased the custodial sentence imposed on the accused to 10 years and 6 months. This judgment may yet be the subject of an appeal.

**Focus on further strengthening national and international cooperation**

Close and efficient cooperation with national and international partner authorities is one of the key factors in combating terrorism successfully. The OAG has thus also made a priority of establishing and developing these relationships and has held exchanges with the widest variety of authorities and bodies at cantonal, national and international level.

Also under this heading, meetings continued with the *Single Points of Contact* for combating terrorism (SPOC T). The cantonal prosecution services have each designated a SPOC T for the OAG, which acts as the OAG's first contact partner in the canton when cases involving suspected terrorist offences arise. At regular meetings, the OAG discusses experiences, outstanding issues and mutual needs with the SPOC Ts. The OAG takes the view that cooperation with the cantons is very close and constructive, and it plans to work even more closely with the SPOC Ts in the future.

### 3.3 Field of crime International criminal law (VO<sup>21</sup>)

Although crimes under international law have so far always been offences committed outside Switzerland's borders, Switzerland, as the depositary state for the Geneva Conventions, has sent a clear signal of its support for the prosecution of such crimes by signing the Rome Statute, thereby accepting that Switzerland should under no circumstances serve as a refuge for persons who have allegedly committed genocide, crimes against humanity or war crimes.

Since the Criminal Procedure Code, which applies nationwide, and the corresponding amendment to the Swiss Criminal Code came into force on 1 January 2011, in peacetime the federal authorities are exclusively responsible for the prosecution of genocide, crimes against humanity and war crimes. However, this applies only if the offender is on Swiss territory and is not extradited to another state or to an international criminal court whose jurisdiction is recognised by Switzerland (Art. 264m SCC).

The facts that form the basis for proceedings under international criminal law typically occur abroad and in some cases date back many years. These circumstances often make criminal investigations difficult, time-consuming and costly. One of the recurring challenges is how to collect evidence. Often statements by victims and witnesses are the only evidence. Investigations are further complicated by the fact that some states in which crimes are committed are unwilling to support investigations through mutual legal assistance, or by the fact that those mutual assistance procedures can be protracted, and by the scope and complexity of the criminal investigations.

The preliminary inquiries phase in cases under international criminal law can be challenging. It includes the question of whether the contextual elements of genocide, crimes against humanity and war crimes are established (assuming that the preconditions for jurisdiction are met).

### Former Gambian interior minister indicted for crimes against humanity

On 17 April 2023, following an investigation that had taken more than six years, the OAG filed an indictment in the Federal Criminal Court against Ousman Sonko, who served from 2006 to 2016 as interior minister in the Republic of the Gambia. The accused is alleged in his official capacity at the time to have supported, participated in and not to have opposed systematic and widespread attacks during the violent repression carried out by the armed forces of the Gambian president Yahya Jammeh. The charges relate to a period from 2000 to 2016 and according to the OAG constitute crimes against humanity in terms of Article 264a SCC.

Among the charges, Sonko is accused on five specific occasions of having participated in, ordered, facilitated and/or failed to prevent killings, torture, rapes and illegal detentions.

The comprehensive investigation, following which an indictment has now been filed in the Federal Criminal Court, not only involved questioning the accused on numerous occasions but also around 40 interviews with complainants (private claimants), persons providing information and witnesses as well as six trips made by the chief investigators to the Gambia as part of the mutual assistance proceedings.

### Action against the former Algerian defence minister

Only a few months later, on 28 August 2023, the OAG filed an indictment against Khaled Nezzar, the former Algerian defence minister and HCE member. According to the indictment, he is accused, between 1992 and 1994, of violating the law of armed conflict in terms of the Geneva Conventions and of having committed crimes against humanity during the civil war in Algeria.

In particular, the OAG documented eleven incidents each involving several alleged offences. The suspected victims are believed to have suffered torture using water and/or electric shocks and other forms of cruel, inhumane or humiliating treatment, together with injuries to their physical and mental integrity. In addition, it is alleged that arbitrary detentions and convictions as well as extrajudicial executions took place. According to the indictment, Nezzar knowingly and wilfully acquiesced in, or indeed coordinated or ordered these cases. He is therefore accused of violating the law of armed conflict in the terms of Article 3 of the Geneva Conventions of 12 August 1949 in conjunction with Articles 4 and 6 of the Second Additional Protocol of 1977 to the Geneva Conventions, which in accordance with Article 109 paragraph 1 of the Military Criminal Code in the version valid at the time of the offences (the former MCC) in

21 Abbreviation of German term 'Völkerstrafrecht'





### Field of crime

#### International criminal law

The conviction of Alieu Kosiah for violation of the laws of war and crimes against humanity shows that Switzerland is able to prosecute and judge cases under international criminal law.

conjunction with Article 108 paragraph 2 of the former MCC is a criminal offence, as well as crimes against humanity (Art. 264a SCC). The defendant died in late December 2023 before the court was able to reach a decision on the alleged offence.

#### Crimes against humanity: a historic judgment

On 1 June 2023, the Appeals Chamber of the Federal Criminal Court upheld the conviction of Alieu Kosiah for violating provisions of the law on war and committing crimes against humanity as a member of a rebel militia during the civil war in Liberia, which lasted from 1989 to 1996. The court confirmed the maximum penalty of

20 years imprisonment that had been imposed by the Criminal Chamber as the court of first instance. It is the first time that a court in Switzerland has convicted anyone of crimes against humanity. The decision of the Appeals Chamber confirms that Switzerland is able to prosecute and judge cases under international criminal law. It is also good that the controversial issue of the retrospective effect of the current provisions on crimes against humanity was resolved in this case. This question is also crucial for other proceedings being conducted by the OAG, which can now rely on this decision in future cases. With this historical judgment, the OAG regards itself as vindicated in its efforts to prosecute offences under international criminal law consistently.

### 3.4 Field of crime Cybercrime (CY)

Attacks on critical infrastructures, theft and the disclosure of confidential data or the disabling of servers – cyberattacks are still on the rise, the perpetrators are becoming evermore professional and bringing them to justice is thus becoming even more complex.

In Switzerland, cyber attacks affect the fields of cyber defence, cybersecurity and cybercrime. The OAG pursues cases that are technically highly complex, often have a significant international dimension, and that constitute cybercrime in the strict sense (i. e. those that are only possible by means of new technologies and the internet).

The number of cyber offences, whether small-scale attacks on ordinary people, or large-scale operations that aim to damage system-relevant infrastructures or organisations, has continued to rise in 2023. In addition, the technical complexity of the cases has also changed considerably in terms of the *modus operandi* and the technologies used by the perpetrators, both in committing the offences and in concealing their identities.

The challenges in the field of cybercrime are manifold:

- Because of the complex techniques used by offenders to remain anonymous, offenders are very difficult to identify.
- The international nature of cybercrime makes prosecution of such crimes difficult, especially because of slow international mutual legal assistance.
- The trace evidence left by offenders is digital data, which are inherently volatile and therefore more difficult to collect.
- Combating cybercrime is an interdisciplinary endeavour which requires the combination of several fields (e. g. law, technology and forensic investigations).

Knowledge-sharing between those involved in the fight against cybercrime is thus the key to success in this area. The OAG has again made intensive use of this exchange in the past year, whether to achieve greater effectiveness in its own cases or in its role as an enabler and coordinator for the various national and international actors.

### The ransomware phenomenon

Attacks involving ransom demands or ransomware pose a serious threat. The perpetrators cleverly exploit weaknesses in computer systems or security loopholes in order to break into computer systems, steal data and/or encrypt servers. They then use a two- or even three-stage extortion strategy that leads to further high financial losses on top of the already harmful effect of publishing the data.

Ransomware attacks are in most cases the work of groups that are professionally organised. They use a system of division of labour, separating tasks such as developing malware, identifying infection vectors and conducting penetration tests, and in some cases offering 'ransomware-as-a-service' or RaaS. The prosecution authorities thus face numerous challenges: the international dimension of the cases, high technological complexity, anonymity of communications and transactions in cryptocurrencies.

Several criminal proceedings have been opened in response to this type of attack, with the OAG's jurisdiction being based on Article 24 CrimPC and the criteria for applying the provisions of this article laid down in the Federal Criminal Court's case law.

### Field of crime Cybercrime

Attacks involving ransom demands or ransomware pose a serious threat. The perpetrators cleverly exploit weaknesses in computer systems or security loopholes in order to break into computer systems, steal data or encrypt servers.



In the report year, various companies in Switzerland, including Xplain AG, were the target of ransomware attacks by the group *PLAY*. As a result, the OAG opened criminal proceedings against persons unknown for extortion within the meaning of Article 156 SCC, unauthorised obtaining of data within the meaning of Article 143 paragraph 1 SCC, and data damage within the meaning of Article 144<sup>bis</sup> subsection 1 paragraph 2 SCC.

### **Conviction in connection with a tech support scam**

In the report year, the OAG filed an indictment against an Indian citizen in the Federal Criminal Court. The accused had acted as one of the heads of a criminal group operating from Delhi that defrauded 85 customers of Swiss banking institutions and airlines of around CHF 135,000 over a period of at least 22 months. Using falsified websites that appeared to be the legitimate website of a bank or an airline, the group asked its victims to contact supposed support technicians working for the bank or airline by telephone. During these telephone calls, the victims were induced by some pretext to install remote maintenance software and to open an account with a cryptocurrency exchange. The victims then carried out a transaction via the related cryptoplatform in which they unknowingly and unintentionally used their own money to buy cryptocurrencies for the criminal group.

In October 2023, the Federal Criminal Court found the accused guilty of commercial fraud. He received a custodial sentence of 36 months and was made subject to a 5-year expulsion order. In addition, he was ordered to meet the victims' civil claims in their entirety.

### **New EU e-Evidence Regulation and Directive makes gathering evidence in criminal proceedings faster and easier**

Cyberattacks using ransomware cause serious damage to the economic fabric of the country. The perpetrators, often professionally organised and structured, are difficult to locate and identify. In order to obtain the required data, public prosecutors must use international mutual assistance procedures, which is often a very protracted process and is dependent on the goodwill of the authorities in the country concerned. The Cybercrime Convention (CCC), which has applied in Switzerland since 2012, has speeded up the process of data procurement, in that it enables public prosecutors to contact providers in any of the signatory states. The data, however, can only be delivered with the consent of the provider, which restricts the options available to prosecutors. New legislation (the EU's e-Evidence Regulation and Directive),

which has been in force in the European Union since the summer of 2023, now enables the Member States to send a binding request directly to providers operating in the EU.

At the end of 2023, the Federal Office of Justice was already examining the possibility of Switzerland's accession to the new e-Evidence Regulation. Accession would increase the chances of being able to identify, prosecute and ultimately secure the conviction of ransomware-attackers and other cybercriminals.

### **International cooperation as the key to success**

Cybercrime is international by nature and the prosecution of its perpetrators cannot be achieved without close and active cooperation between the prosecution authorities in the countries concerned. In recent years, this cooperation has steadily intensified, in particular thanks to the efforts of organisations like Eurojust and Europol, which have established networks of specialists and task forces on cybercrime.

This also applies at a national level, where cooperation between the cantonal and national law enforcement authorities (public prosecutors and police forces) is indispensable. This cooperation must increasingly be extended to cover the key areas of cybersecurity and cyber defence as well. In this connection, it is worth highlighting the work of the National Cyber Security Centre (NCSC), which assists the OAG by providing its expertise and its analytic capacities at the pretrial stage, both in uncovering new cases and by giving support within criminal proceedings.

The Swiss Armed Forces have in recent years brought in significant innovations both in relation to cybercrime in general and cyber defence in particular. The OAG and the Armed Forces held meetings in the report year on this topic, with the aim of determining areas in which law enforcement and cyber defence could work together in future. And exchanges between the cantonal and national authorities continued in the context of the Cyberboard, a national exchange and coordination platform set up in 2018 with the Cyber-CASE operational module that brings prosecution authorities – public prosecutors and investigators – as well as the NCSC together, in order to discuss both new developments and operational issues that arise in criminal proceedings.

## 4 Forensic Financial Analysis Division (FFA)

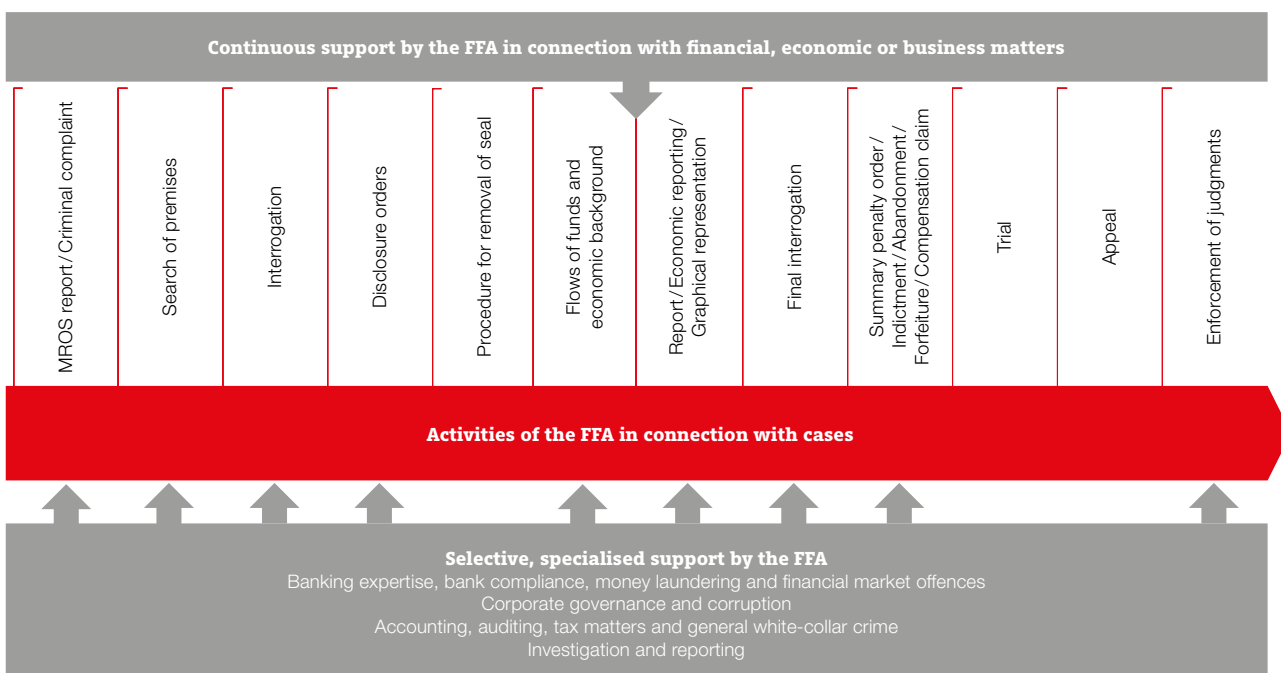
'Follow the money', that is the primary task in criminal proceedings for the analysts at the FFA. Its staff were involved in 145 criminal and mutual assistance cases in 2023. They evaluated hundreds of thousands of financial transactions, analysed the behaviour of stock market investors after unexpectedly high profits or examined the corporate governance guidelines applied by companies where there were suspicions of corruption or money laundering.

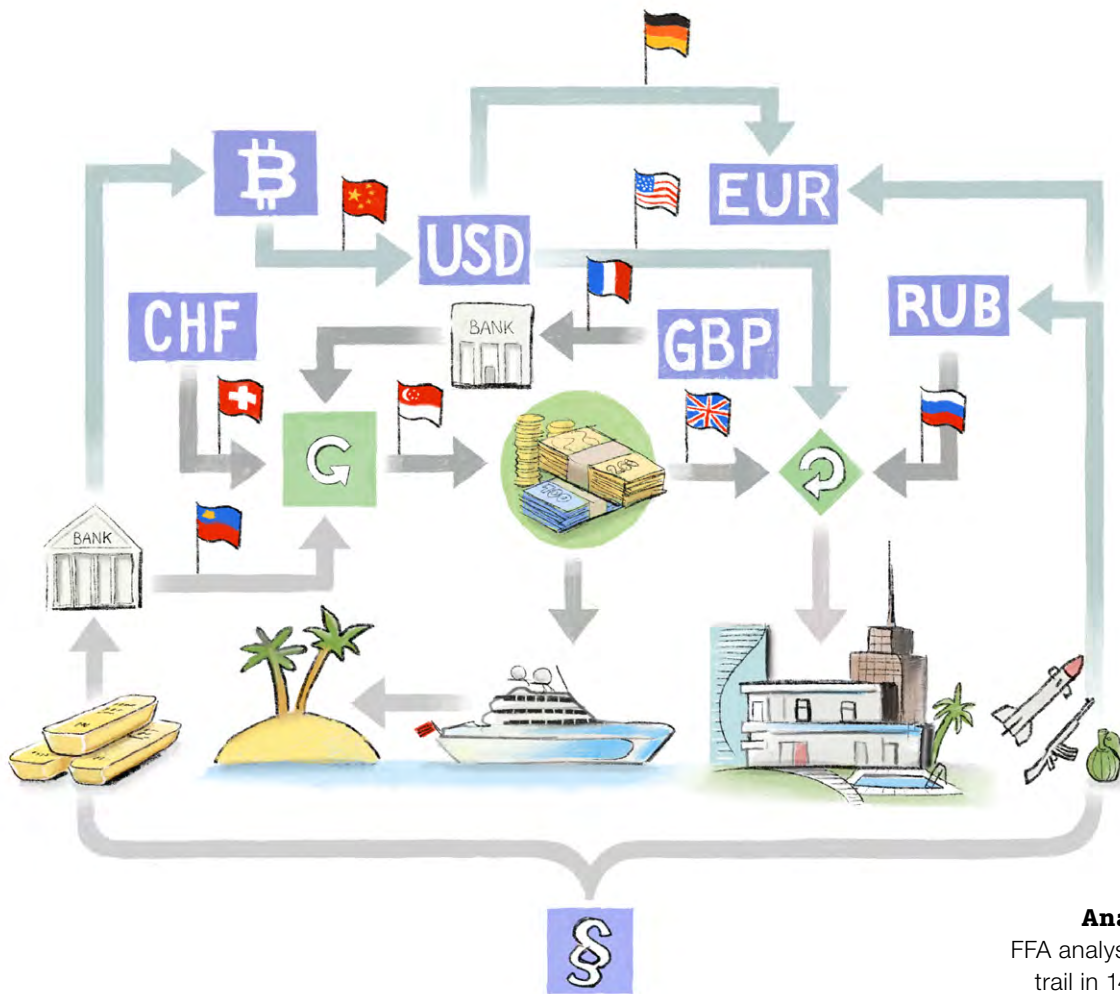
In the report year, the FFA improved its capabilities in relation to cryptocurrencies and related transactions, in part by organising an OAG-wide awareness-raising training and prepared the ground for introducing a tracking instrument for analysing transactions in 2024.

### Structure, tasks and strategy of the FFA

In a large majority of cases, the FFA acts as a service provider for the case-handling divisions, but it also uses its capabilities to support the Directorate and the General Secretariat. FFA analysts are frequently asked to provide their expertise in support of the federal prosecutors in charge of cases, irrespective of the offence that is being investigated. They conduct analyses, which, presented in the form of reports or as graphics, serve as a basis for the investigative work and eventually become part of the case files. The analysts are consulted when planning and carrying out measures to secure evidence such as seizing documents and conducting searches and also in filing requests for mutual assistance. They also provide support on economic and financial matters when suspects and witnesses are interviewed. In addition, they make an important contribution, particularly in complex proceedings, to the process of drawing up indictments, arranging accelerated proceedings, drafting summary penalty orders, preparing for court hearings and enforcing judgments (see also p. 41). In order to be able to establish that offences have been committed, tracing the movements of money and proof of the criminal origin of assets are essential. Analyses of this kind are indispensable to the success of the proceedings relating to economic offences, but they are also being used more and more frequently in connection with criminal organisations and international criminal law based on the priorities that have been set.

### Procedural steps





**Forensic Financial Analysis Division (FFA)**

FFA analysts followed the money trail in 145 criminal and mutual legal assistance proceedings in the report year, analysing hundreds of thousands of financial transactions, among other things.

In 2023, the FFA contributed its expertise in 145 criminal and mutual assistance cases. It had to concentrate its resources on a limited number of cases. Over a quarter of the available capacities were devoted to extensive and complex cases involving the criminal liability of companies under Article 102 SCC, i. e. corporate criminal law. As in the previous year, once again there was an increase in requests for assistance from the FFA (+15%).

Given that its number of employees has not increased in the past ten years, the FFA faces major challenges in coping with the constantly growing quantity of data in various forms that has to be analysed, as well as the increase in the fields that must be covered. Despite carrying out support projects and bringing in additional instruments, this means that it is not possible in some cases to make progress with investigations with the desired high level of efficiency.

In addition to the continued education and training for the FFA specialists in their specialist fields (see Annual Report 2022, p. 38), in 2023 the FFA provided training for federal prosecutors and assistant federal prosecutors on the subject of cryptocurrencies. Working with experts from the *Basel Institute on Governance*, knowledge of the various instruments for tracing pay-

ment flows, securing wallets and analysing transactions was further consolidated. The FFA coordinated the organisation of training on interviewing techniques in connection with white-collar crime attended by staff from WiKri and the FCP. In order to be able to guarantee the provision of effective and legally sufficient financial and economic analyses in criminal proceedings, the FFA also held internal training sessions on the subjects of corruption and the criminal liability of companies as well as on the analysis of financial statements and on fraud, which brought results that benefit the entire OAG.

## 5 General Secretariat (GS)

The various sections of the General Secretariat support the divisions conducting proceedings in two ways: around half of the employees of the General Secretariat directly provide operational services in connection with proceedings, while the other half ensure that the OAG can operate as a self-managed independent authority. They do this in part by developing modern working instruments that help bring increased efficiency and effectiveness in fulfilling the OAG's core task.

In order to bring clearer accountability, minimise interfaces and pool tasks and responsibilities, the structure of the GS was revised in 2022. The aim was to achieve simpler and more efficient cooperation for the benefit of the operational core business. The introduction of the new structure was completed in the first quarter of the report year. HR, finances and legal services were merged into 'OAG Operations', while IT Governance and IT Security together with IT Administration became 'OAG Technology'. 'OAG Transformation and Projects' works closely with all the OAG's employees in analysing, coordinating and supporting the OAG's systematic development and transformation. It also manages the project portfolio for the entire OAG, derived from the OAG's strategic priorities. The focus is on the digitalisation of the core business and the systematic development of the OAG and of its divisions dealing with specific fields of crime. 'OAG General Staff' provides support to the Attorney General, the OAG management, the Secretary General and the Directorate of the OAG and acts as a hub between the OAG's employees and divisions and the OAG management or the Secretary General. The head of OAG General Staff is the SPOC for the SA-OAG and is responsible for contacts with partner authorities and the parliamentary committees. The legal counsel to the Directorate is also affiliated to OAG General Staff. In addition, personal security and facility management as well as procurement and contract management are among the tasks of OAG General Staff. From 1 February 2024, the position of data protection officer for the OAG will also be created.

Around half of the GS employees work together for the newly created 'OAG Operations' providing services for the benefit of operational proceedings. This should ensure that legal, administrative and technical services, including the OAG's centralised processing of incoming communications, case services, enforcement of judgments and specific continuing education and training services are consolidated more efficiently. The head of the newly created section will increasingly be required to take on coordinating tasks and should in particular optimise cooperation with the police.

### 5.1 OAG Transformation and Projects

Intensive work was carried out in the report year on the gradual implementation and development of Core.Link, the digital file and records management system. By mid-year, around 60 transactions had already been carried out on the platform and over 750 finalised records had been filed. The Core.Link user group was expanded as of the end of September to include the offices in Lausanne, Lugano and Zurich. One of the aims of affiliating all the OAG's employees is to gain more experience with Core.Link, so that this IT solution and the related processes can be more precisely adapted to the needs of the various divisions with their different case complexes. While the introduction of Core.Link is progressing on schedule, the *Joining Forces* programme level has been realigned or streamlined in order to simplify the future direction of travel for the joint programme with fedpol and also to have more control over the use of scarce resources. The streamlining of the *Joining Forces* programme governance has no repercussions for the implementation of Core.Link.

The CoLab project aims to digitalise support processes, in order to simplify these and make them more efficient. In 2023, the first processes were digitalised. Support services will in the future be provided using workflow software already in place at the OAG. This means that the software will guide those involved at the OAG through the process, thereby acting as a hub between the various actors in the sense of controlling the process and providing information and notifications.

Another important step in the OAG's digitalisation is introducing qualified electronic signatures and establishing the related application for secure delivery and receipt for the Electronic Transmission of Legal Documents (*Elektronischer Rechtsverkehr*, ERV) in Switzerland. What is important here is that the introduction and change to electronic, legally binding signatures using a QES can only be a success if communication partners for the ERV also take 'this step' and make the required modifications to their internal processes and records systems.

Another project that has been implemented involves securing physical data carriers such as hard drives, CDs or USB sticks. Now all data carriers are dealt with by a new service according to a standardised process that both increases overall security and at the same time ensures that the data can be used in court.

**5.2 OAG Administration**

The OAG Administration Division is the centre where all the self-administration tasks are carried out that allow the OAG to be independent in technical, organisational and financial terms. It encompasses HR, finances and legal services.

**Legal Services**

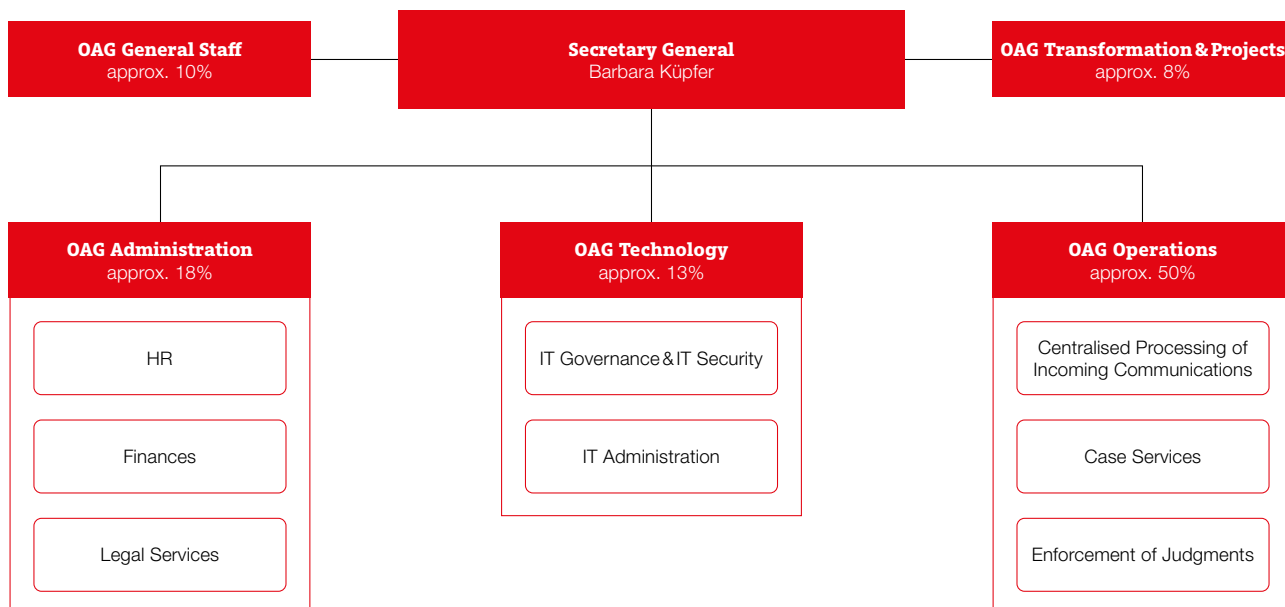
The Legal Services Unit ensures the centralised performance of the OAG’s statutory tasks that do not involve the conduct of criminal proceedings, the enforcement of judgments or the execution of mutual legal assistance proceedings. These include, for example, ensuring that persons and authorities can exercise their rights to information and data inspection under the Data Protection Act, the Freedom of Information Act and the Archiving Act.

In addition, the Legal Services Unit drafts the OAG’s submissions in connection with legislative processes and coordinates responses to parliamentary motions. It prepares legal opinions on behalf of the Directorate on specific legal issues or on issues of fundamental importance to the OAG and provides legal advice to all of the organisational units of the OAG.

The Legal Services Unit also handles the release of summary penalty orders, case dismissals and no-proceedings orders that have taken full effect to third parties who have requested them (according to the principle of freedom of information in the justice system). The legal assessment of requests and the anonymisation of decisions before they are released involve considerable effort. The Legal Services Unit provides legal and procedural support in employment law cases and is also regularly consulted on legal issues relating to public procurement and contractual matters.

**Human Resources**

The employee development review allows employees’ performance and development to be evaluated, their work situation to be assessed and objectives to be agreed. The process, forms and aids were revised and optimised for use in 2023. The aids were simplified, the feedback and the review form reworked, and the criteria and principles for making the overall assessment and rewarding performance revised.



One of the main goals for the report year relates to employee development. This goal covers issues such as career development within the OAG and the development of related basic and continuing education and training options. In a first step, assistant federal prosecutors will be able to benefit from this work. A career concept has been developed for them that offers better development prospects. It includes revised and adapted job descriptions and function profiles. In addition, the position of deputy federal prosecutor has been reintroduced. The concept will be implemented step by step from 2024.

Workforce numbers

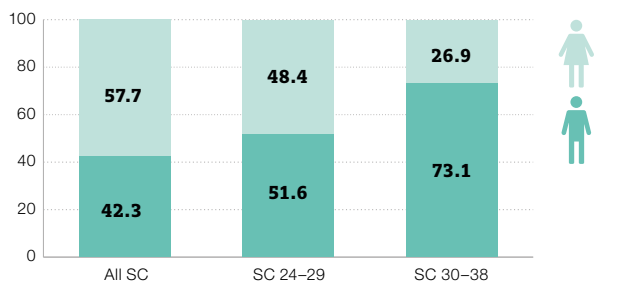
As of the end of 2023, the OAG employed 282 members of staff (previous year: 268) constituting 257 full-time positions (previous year: 243). 30 (previous year: 36) of the 282 employees are employed on limited-term contracts. The workforce is distributed across the OAG's local offices as follows:

	31.12.2022	31.12.2023
Bern	210	222
Lausanne Office	27	32
Lugano Office	15	15
Zurich Office	16	13

Deployment of staff

The positions at the OAG are distributed across the following roles: Attorney General of Switzerland (1), Deputy Attorneys General (2), Secretary General (1), lead federal prosecutors/heads of division (4), Chief Information Officer (1), federal prosecutors (46), assistant federal prosecutors (58), legal assistants (13), assistant case officers and office employees (45), operational employees (33) in the General Secretariat (excluding legal assistants) and administrative employees (42), and experts and analysts in FFA, WiKri and RTVC divisions (36). As of 31 December 2023, the OAG also offers 7 legal interns practical legal training and the opportunity to gain practical professional experience. The average OAG employee is contracted to work 91% of full-time working hours and is 40 years old. The breakdown of staff by first official Swiss language is as follows: German 166, French 86, Italian 29 and Romansh 1. The OAG employs 162 women and 120 men. The gender quota broken down according to salary class (SC) is as follows:

**Gender (%)**



The net fluctuation in the report year was close to 9.5%.

Disciplinary proceedings

The federal prosecutors at the OAG are subject to the law applicable to federal employees, under which the Attorney General is responsible for taking decisions as their employer (Art. 22 para. 2 CJAA and Art. 3 para. 1 let. f Federal Personnel Act, SR 172.220.1). In the event of a breach of employment law obligations, the Attorney General decides whether to conduct a disciplinary investigation and on any disciplinary measures (Art. 1 para. 1 let. c and Art. 98 ff. Federal Personnel Ordinance, FPersO, SR 172.220.111.3).

In the report year, no disciplinary proceedings under Article 98 ff. FPersO were taken against a federal prosecutor at the OAG.

**Use of financial and material resources**

Under Article 16 of the CJAA, the OAG is a self-governing authority that is independent of the Federal Council and the Federal Administration. The Attorney General is responsible for ensuring that it is appropriately organised and makes efficient use of its financial and material resources (Art. 9 para. 2 lets b and c CJAA). The OAG maintains its own accounts and has a global budget. Every year, the Attorney General submits a draft budget and accounts to the Supervisory Authority for the OAG; these are submitted to the Federal Assembly for approval (Art. 17 para. 1 and Art. 31 para. 4 CJAA). As a self-governing authority, the OAG is basically free to procure the goods and services it needs to satisfy its logistical requirements (Art. 18 para. 2 CJAA).

Finances

For 2023, the OAG's global budget (expenditure and investment costs) amounted to CHF 83.1 million. At CHF 46.8 million (56%), the largest item of expenditure in the budget is staff costs. In addition, CHF 29.1 million was allocated to material operating costs. The remaining CHF 7.2 million covers depreciation and investment costs.



The budgeted operating income of CHF 1.0 million is made up primarily of official procedural fees collected in federal criminal proceedings, income derived from charging for the costs of inspecting files, and income from procedural fees in connection with summary penalty orders and the abandonment of proceedings. The State Financial Statements for 2023 will be published in due course on the relevant page of the Federal Finance Administration website.

#### Procurement

In accordance with Article 27 of the Public Procurement Ordinance (PPO; SR 172.056.11), authorities awarding contracts must provide information at least once a year in electronic form on public contracts that they have awarded with a value of over CHF 50,000 and which are subject to the Federal Public Procurement Act (PPA; SR 172.056.1). The OAG will publish the relevant details in due course (2024) on its website.

As an independent authority, the OAG is responsible for managing itself and can cover and thus also procure the goods and services that it requires independently in accordance with the CJAA. In order to be able to deploy the largest possible portion of its resources on prosecution, certain services that are temporarily required are put out to tender in accordance with the corresponding budget regulations. In the report year, the OAG was permitted to invite bids for important services related to its self-management. The decision on which supplier will ultimately be given the opportunity to provide which services in accordance with the framework agreements will be taken as part of the specific planning for each project and will be subject to compliance with the federal budgetary requirements. There is no obligation to award a contract to any of the service providers who are invited to tender.

### **5.3 OAG Technology**

The OAG Technology Unit supports the IT Unit by ensuring information security for the entire OAG. It contributes to projects that involve electronic data processing and the hardware and software infrastructure used for that purpose, conducts checks on these and guarantees that they can be used in operations in a coordinated manner.

### **IT Governance and IT Security**

Following staff shortages and restructuring, IT Governance and IT Security was successfully put back on track in the report year. Vacancies for positions in governance, risk and compliance (GRC), enterprise architecture and protection of information were filled. A need for optimisation had already been identified and the work required

to develop IT Governance and the IT Strategy taken in hand. As of the end of year, the basis for COBIT 2019, the IT governance framework, had been put in place, with plans for further expansion. In relation to IT security, no significant incidents took place in the report year within the infrastructure that is the OAG's responsibility.

### **IT Administration**

The IT Administration and Support devises new servicing options and integrates these into the existing operations. In addition, it is responsible for monitoring service performance. In 2023, the specialist applications proved very stable in operation; there were only a small number of unplanned system outages. In addition to these tasks, the unit also provides support for the technical infrastructure. On request, it also checks the emails of all OAG employees for authenticity and for malware.

### **5.4 OAG Operations**

The new OAG Operations Division includes the Judgment Enforcement Unit, the centralised processing of incoming communications and the Case Support Unit.

### **Enforcement of Judgments (UV<sup>22</sup>)**

Enforcement of Judgments is a unit independent of investigations and prosecutions that is responsible for enforcing decisions taken by the federal criminal justice authorities. Its main task is to enforce decisions of the Federal Criminal Court and orders issued by the OAG (summary penalty orders, abandonment and forfeiture orders, etc.) that have become legally binding. In addition, the UV is the SPOC with the Federal Office of Justice (FOJ) in cases in which the Federal Act on the Division of Forfeited Assets applies (known as 'sharing cases').

The UV also has important tasks in the area covered by Central Support in Criminal Proceedings that have a direct influence on subsequent enforcement duties and which require close cooperation with the OAG's Financial Services Section. In relation to asset management, the UV is responsible for opening and managing accounts holding seized assets as well as deposit accounts for seized securities. The remit of the Central Support in Criminal Proceedings also includes organising the realisation of assets and liaising with external partners (e. g. debt collection offices, auction houses, fiduciaries).

22 Abbreviation of the German term 'Urteilsvollzug'

In addition, the UV maintains a 'detention list' of all the persons detained in connection with proceedings conducted by the OAG. The UV's work on the detention list also involves the triage of detention invoices (pretrial detention/[anticipatory] execution of sentences) from the cantons actually detaining the persons concerned.

#### Proceedings in connection with coal mine MUS

A good example of what is in some cases arduous work is the enforcement of the judgment relating to the fraudulent privatisation of the coal mine *Mostecka Uhelna Spolecnost* (MUS), an offence committed at the end of the 1990s. The main judgment against seven accused was issued by the Federal Criminal Court on 10 October 2013. The court made compensation awards of around CHF 718 million and ordered forfeitures of EUR 170,622,296.20 and CHF 2,631,399.22. The forfeitures were successfully enforced down to the last EUR 100,000.

The assets frozen in Switzerland for the purpose of enforcing the compensation claims amount to around CHF 339 million. The difference between the compensation awards made and the assets actually seized in Switzerland amounts in this case to around CHF 378 million. The priority in enforcing the judgment right now – over ten years after the main judgment was issued – is settling the compensation claims, in relation to which various third parties have filed claims to the seized assets. Accordingly, several protracted and complex (court) proceedings are running in parallel to contest these claims.

A further difficulty is that some underlying assets that could be used to settle the claims for compensation are located abroad, with the result that several mutual assistance proceedings are pending.

Over this long period, the seized assets have also gone down in value, which is reflected in the decision issued by the Federal Criminal Court on 28 November 2022, in which several compensation awards were made to third parties.

#### Proceedings in connection with insider dealing

In a judgment of the Appeals Chamber of the Federal Criminal Court dated 12 July 2022 (CA2021.19) in proceedings being conducted against two accused on charges of insider dealing, a claim for compensation amounting to CHF 708,987.50 was allowed against one of the accused.

In order to cover this compensation award, as well as procedural fees, costs incurred by the private claimant OC Oerlikon and a combined fine, assets in two accounts held by this accused were seized in the preliminary proceedings.

The Judgment Enforcement Unit managed to cover the procedural fees, party costs and the combined fine directly with assets seized in these accounts (Art. 263

para. 1 let. b in conjunction with Art. 442 para. 4 CrimPC). However, settling the claim for compensation by using the seized assets was not possible because of the terms of Article 71 paragraph 3 SCC.

It was possible to avoid attachment proceedings in order to enforce the claim for compensation because the accused concerned, on the instructions of the Judgment Enforcement Unit, sent a payment order for the CHF 708,987.50 to the bank managing the account, requesting the bank to use the seized assets to settle the compensation claim. In order to allow this payment to be made, the Judgment Enforcement Unit revoked at the same time the seizure of the assets.

### **Centralised processing of incoming communications (ZEB<sup>23</sup>)**

The ZEB is the central gateway for all incoming communications relating to the OAG's core business that are not connected with ongoing proceedings. It triages the communications it has newly received by following a predefined process. In that process, potential no-proceedings orders or other forms of final case disposal are identified at an early stage and processed directly. After an initial triage (federal jurisdiction, etc.), all other new incoming cases are either forwarded to the operational divisions responsible or subjected to a more in-depth review involving the Attorney General's Operational Committee. The ZEB has control of procedures until a case is assigned to the competent division, or until the ZEB makes a final disposal of the case.

The rapid and efficient initial processing of incoming communications effectively reduces the workload of the case-handling divisions. In addition, the uniform processing of similar incoming communications is ensured.

In total, the ZEB processed 2,063 incoming communications in the report year. A large proportion of these incoming communications led to new criminal or mutual assistance proceedings. Also, 327 requests to take over proceedings were processed; in 94% of these cases, the OAG decided that federal jurisdiction applied. In addition, 113 MROS reports were processed. Of these new criminal or mutual assistance proceedings, 1,537 were passed on to the divisions for further processing. Around 40% of the proceedings completed by the OAG in the reporting year were handled within the ZEB.

In 2023, the ZEB made 199 requests to the cantons to take over proceedings because offences had been reported that did not fall under the OAG's jurisdiction. In some cases, allegations were made against judges or public officials in the cantons or communes.

23 Abbreviation of the German term 'Zentrale Eingangsbearbeitung'



### Centralised processing of incoming communications (ZEB)

In total, the ZEB processed 2,063 incoming communications in the report year, including 327 requests to take over proceedings, 113 MROS reports and 1,714 complaints of criminal conduct. In addition, there were 835 FCP reports and 257 FIS reports.

Contrary to popular belief, the OAG is not a supervisory authority exercising oversight over the courts and authorities of the cantons or local governments. The OAG has no legal powers to review or influence the activities of such authorities. Accordingly, neither complaints nor requests for investigations against these authorities can be submitted to the OAG.

Complaints of this type often relate to judgments or decisions made by federal courts and authorities that dismiss or reject appeals filed by the complainant or with which the complainants do not agree in some other way. If it is clear that no criminal offence can be established or that the procedural requirements are not met, the ZEB directly issues a no-proceedings order (in 2023 there were 98). In this regard, it should be noted that the OAG is neither a supervisory authority with oversight over the Federal Supreme Court nor an appellate authority that can review the Supreme Court's rulings. Making a criminal complaint is not a substitute for the legal remedies available in criminal, administrative or civil proceedings. It is therefore not the OAG's responsibility to review or correct rulings and decisions of other authorities or courts.

### Case Services

The Case Services Unit, which has 25 employees, focuses on centralised services for criminal and mutual assistance proceedings. Its tasks include the digitalisation of thousands of bank transfers for financial analysts, the recording and secure archiving for example of forensic evidence gathered following attacks on ATMs, the preparation of case documentation, emails and documents and organising translations into numerous languages.

The aim of all of these services is to relieve the burden on the operational divisions so that they can concentrate on their core tasks. For example, the Financial Intermediaries Disclosure Service (*Service Editionen Finanzintermediäre*, SEFI) processes requests for disclosure of bank records and makes them available in electronic form to the units conducting the proceedings. In the year under review, 918 disclosures were processed. The tasks of Data Management include accepting orders for the preparation, pagination and scanning of documents for the operational divisions, and it also works closely with the SEFI and the Physical Evidence Service Unit.



### **Case Services**

In a single set of proceedings, around 2,600 letters were seized by the police (1). The Case Service Unit supported the proceedings with its services: The Physical Evidence Service Unit recorded the letters and stored them neatly as evidence (2). The Data Management Service Unit digitalised them all individually and uploaded them to Core.Link (3). The correspondence relating to the proceedings is continuously digitalised and stored by the Document Storage Service Unit (4).



## 6 Communication

Once again in the report year, the Communications Service at the OAG advised and assisted the Directorate, heads of division and various employees with internal communication activities relating to projects and changes, and devised and implemented measures. In addition, it acted as a service provider, supporting the persons in charge of proceedings in their efforts to communicate effectively with the public on the milestones in their cases, while also relieving them of the burden of having to deal with more than a thousand media enquiries in the widest variety of languages.

### 6.1 Internal communications

The report year again saw informative weekly video sessions chaired by the Attorney General or his deputies, providing important information from the Directorate and the divisions. These video sessions are open to all staff members. The opportunity to obtain direct information regarding Directorate decisions, important developments and case findings was again very much appreciated, and the number of participants was always in the triple digits. In addition, both the Attorney General and the Secretary General visited all of the offices, where they held informal discussions with employees from all divisions. Once again, informative continuing professional training events were held, along with the much appreciated 'Future Day', on which more children than ever before accompanied their parents, relatives or family friends to the OAG offices to see what it is like to work there.

In addition to regularly publishing a newsletter and taking other communication measures, the Communications Service also prepares a press review every weekday that keeps employees, including the federal attorneys in charge of cases, up to date on new developments in Switzerland and abroad. Also in the report year, a project was started to adapt the intranet service to its users' current needs. The project will also take account of the results of a staff survey on internal communication.

### 6.2 External communications

Also in the report year, over a thousand media enquiries were received from all over the world. Whereas the complex proceedings related to white-collar crime dominated the interest shown by the foreign media, almost a third of the enquiries from the Swiss media related to national security and criminal organisations. In part as a consequence of the indictments that it filed, the OAG's work on terrorism cases generated a great deal of interest (over 130 enquiries). And once again there were numerous calls relating to the Russia/Ukraine Task Force and, from the first quarter onwards, the events surrounding Credit Suisse. In addition to questions about various cases, in particular in relation to breaches of official secrecy, the main task for the Communications Service, also when on call at the weekends with the case lawyers and its partner organisations in the cantons, was dealing with enquiries relating to aircraft accidents (around 40 enquiries) and attacks on ATMs (over 50 enquiries).

### Communication

The OAG's communications division responded to over a thousand media enquiries from all continents and assisted the heads of procedure in issuing communications about their proceedings.



# Reporting

## Criminal investigations 2023

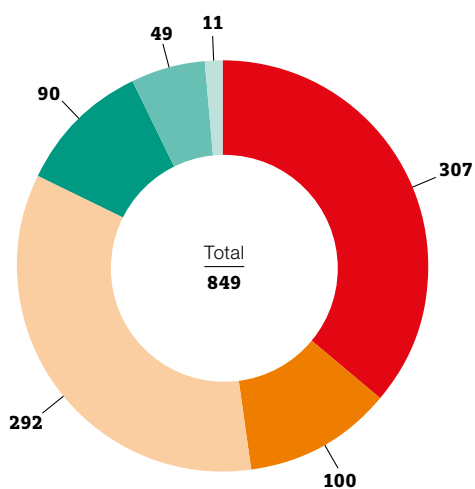
	ST	KO	RH	TE	VO	CY	AW	GW	IK	ZEB	Total OAG
<b>Newly opened criminal investigations</b>	<b>247</b>	<b>6</b>	<b>0</b>	<b>21</b>	<b>2</b>	<b>10</b>	<b>12</b>	<b>19</b>	<b>1</b>	<b>0</b>	<b>318</b>
<b>Criminal investigations completed</b>											
No-proceedings decisions	138	3	0	2	13	48	2	3	0	98	307
Abandonments of proceedings	62	1	0	2	6	4	6	9	10	0	100
Transfers/delegations/forwardings/referrals back to canton	58	1	0	6	0	1	0	1	0	225	292
Summary penalty orders*	86	1	0	0	0	0	1	1	1	0	90
Investigations combined	6	0	0	0	0	16	25	1	0	1	49
Decisions that have become legally binding	7	0	0	0	0	1	1	1	1	0	11
<b>Total number of criminal investigations completed</b>	<b>357</b>	<b>6</b>	<b>0</b>	<b>10</b>	<b>19</b>	<b>70</b>	<b>35</b>	<b>16</b>	<b>12</b>	<b>324</b>	<b>849</b>
<b>Opened criminal investigations (as per 31.12.2023)</b>											
Duration of proceedings up to 1 year	148	6	0	26	2	5	11	20	3	0	221
Duration of proceedings 1 to 2 years	52	5	0	12	2	3	10	8	2	0	94
Duration of proceedings 2 to 3 years	25	0	0	14	1	1	4	9	3	0	57
Duration of proceedings 3 to 4 years	14	0	0	3	1	0	4	14	8	0	44
Duration of proceedings 4 to 5 years	7	2	0	7	0	1	2	1	4	0	24
Duration of proceedings 5 to 6 years	8	1	0	2	1	0	1	2	2	0	17
Duration of proceedings 6 to 7 years	4	1	0	0	0	1	2	3	2	0	13
Duration of proceedings 7 to 8 years	0	2	0	1	0	0	1	2	0	0	6
Duration of proceedings 8 to 9 years	2	0	0	0	0	0	1	8	3	0	14
Duration of proceedings 9 to 10 years	1	0	0	0	0	0	1	0	0	0	2
Duration of proceedings more than 10 years	0	1	0	0	2	0	0	3	2	0	8
<b>Total number of opened criminal investigations</b>	<b>261</b>	<b>18</b>	<b>0</b>	<b>65</b>	<b>9</b>	<b>11</b>	<b>37</b>	<b>70</b>	<b>29</b>	<b>0</b>	<b>500</b>
<b>Suspended criminal investigations (as per 31.12.2023)</b>	<b>362</b>	<b>6</b>	<b>3</b>	<b>35</b>	<b>1</b>	<b>3</b>	<b>7</b>	<b>20</b>	<b>14</b>	<b>0</b>	<b>451</b>
<b>Pending preliminary investigations (as per 31.12.2023)</b>	<b>142</b>	<b>3</b>	<b>15</b>	<b>21</b>	<b>6</b>	<b>0</b>	<b>5</b>	<b>15</b>	<b>3</b>	<b>98</b>	<b>308</b>
<b>Indictments filed</b>	<b>6</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>16</b>
<b>Indictments filed in accelerated proceedings</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3</b>
<b>Referrals of summary penalty orders to court</b>	<b>16</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>16</b>

\* The figures refer to the number of proceedings.



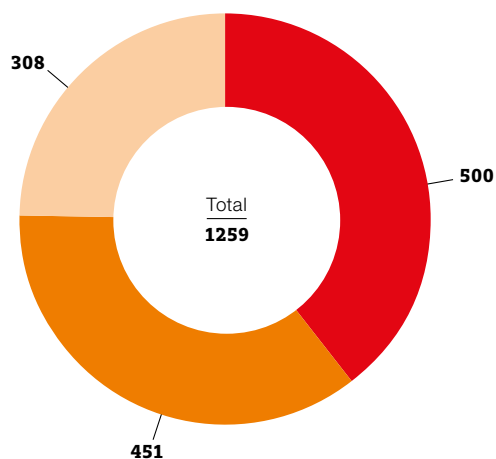
**Completions**  
by type (total OAG)

- No-proceedings decisions
- Abandonments of proceedings
- Transfers/delegations/forwardings/referrals back to canton
- Summary penalty orders\*
- Investigations combined
- Decisions that have become legally binding



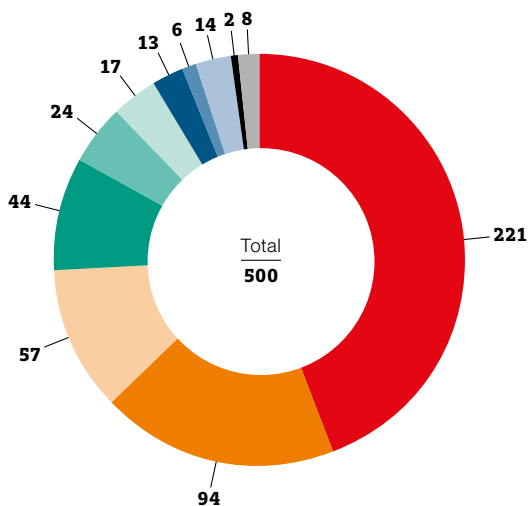
**Pending as per 31.12.2023**  
(total OAG)

- Opened investigations
- Suspended investigations
- Pending preliminary investigations



**Opened criminal investigations (as per 31.12.2023)**  
by duration of proceedings (total OAG)

- up to 1 year
- 1 to 2 years
- 2 to 3 years
- 3 to 4 years
- 4 to 5 years
- 5 to 6 years
- 6 to 7 years
- 7 to 8 years
- 8 to 9 years
- 9 to 10 years
- more than 10 years

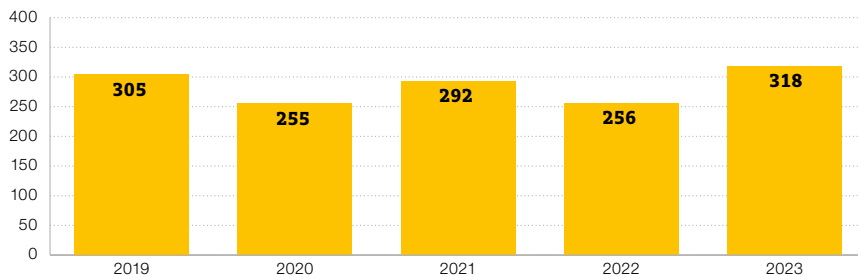


## Criminal investigations Development 2019–2023 (total OAG)

	2019	2020	2021	2022	2023
<b>Newly opened criminal investigations</b>	<b>305</b>	<b>255</b>	<b>292</b>	<b>256</b>	<b>318</b>
<b>Criminal investigations completed</b>					
No-proceedings decisions	335	377	362	429	307
Abandonments of proceedings	175	114	141	179	100
Transfers/delegations/forwardings/referrals back to canton	130	171	240	275	292
Summary penalty orders	–	–	–	129	90
Investigations combined	–	–	–	121	49
Decisions that have become legally binding	–	–	–	13	11
<b>Total number of criminal investigations completed</b>	<b>–</b>	<b>–</b>	<b>–</b>	<b>1146</b>	<b>849</b>
<b>Opened criminal investigations (as per 31.12.)</b>					
Duration of proceedings up to 1 year	–	–	–	168	221
Duration of proceedings 1 to 2 years	–	–	–	84	94
Duration of proceedings 2 to 3 years	–	–	–	54	57
Duration of proceedings 3 to 4 years	–	–	–	30	44
Duration of proceedings 4 to 5 years	–	–	–	24	24
Duration of proceedings 5 to 6 years	–	–	–	22	17
Duration of proceedings 6 to 7 years	–	–	–	5	13
Duration of proceedings 7 to 8 years	–	–	–	27	6
Duration of proceedings 8 to 9 years	–	–	–	3	14
Duration of proceedings 9 to 10 years	–	–	–	2	2
Duration of proceedings more than 10 years	–	–	–	10	8
<b>Total number of opened criminal investigations</b>	<b>395</b>	<b>428</b>	<b>423</b>	<b>429</b>	<b>500</b>
<b>Suspended criminal investigations (as per 31.12.)</b>	<b>307</b>	<b>345</b>	<b>392</b>	<b>389</b>	<b>451</b>
<b>Pending preliminary investigations (as per 31.12.)</b>	<b>501</b>	<b>481</b>	<b>598</b>	<b>305</b>	<b>308</b>
<b>Indictments filed</b>	<b>17</b>	<b>29</b>	<b>14</b>	<b>21</b>	<b>16</b>
<b>Indictments filed in accelerated proceedings</b>	<b>7</b>	<b>4</b>	<b>6</b>	<b>4</b>	<b>3</b>
<b>Referrals of summary penalty orders to court</b>	<b>23</b>	<b>10</b>	<b>27</b>	<b>14</b>	<b>16</b>

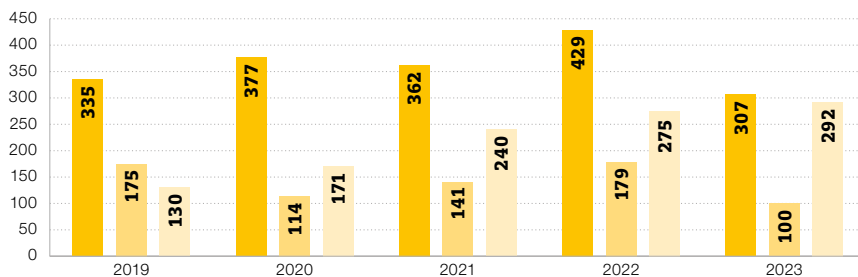
As certain statistics have only been collected since 2022, some of the comparative figures are not available for the previous years.

**Newly opened**



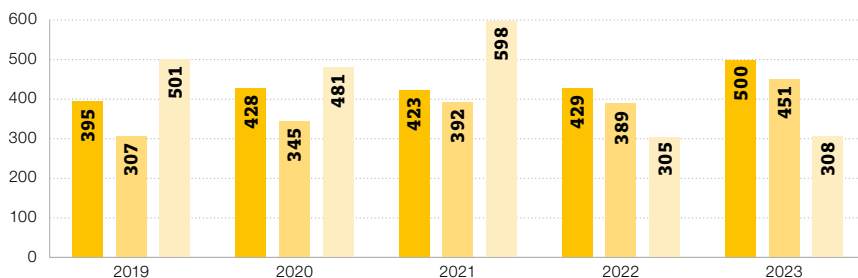
**Completions**

- No-proceedings decisions
- Abandonments of proceedings
- Transfers/delegations/forwardings/referrals back to canton



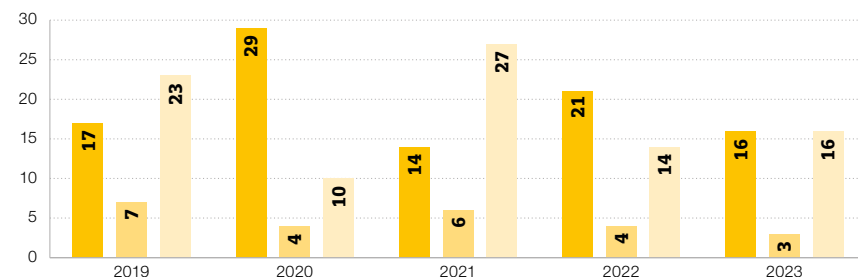
**Pending as per 31.12.**

- Opened investigations
- Suspended investigations
- Pending preliminary investigations



**Indictments**

- Indictments filed
- Indictments filed in accelerated proceedings
- Referrals of summary penalty orders to court



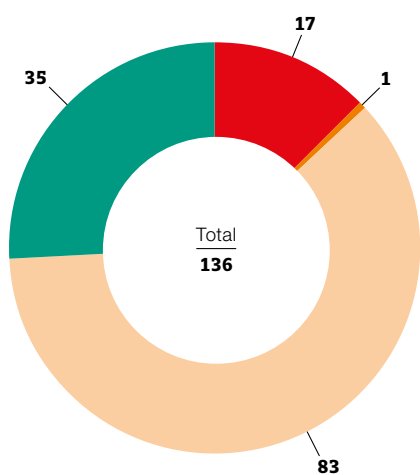
## Requests received for mutual legal assistance 2023

	ST	KO	RH	TE	VO	CY	AW	GW	IK	Total OAG
<b>Requests for mutual legal assistance accepted</b>	<b>5</b>	<b>7</b>	<b>116</b>	<b>3</b>	<b>0</b>	<b>1</b>	<b>6</b>	<b>16</b>	<b>13</b>	<b>167</b>
<b>Mutual legal assistance proceedings completed</b>										
Returned to FOJ for delegation to canton	0	0	17	0	0	0	0	0	0	17
Mutual legal assistance refused	0	0	1	0	0	0	0	0	0	1
Mutual legal assistance granted	4	1	58	2	0	1	2	6	9	83
Other completions (e. g. dismissal, withdrawal, etc.)	1	2	23	1	0	0	0	6	2	35
<b>Total of mutual legal assistance proceedings completed</b>	<b>5</b>	<b>3</b>	<b>99</b>	<b>3</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>12</b>	<b>11</b>	<b>136</b>
<b>Pending mutual legal assistance proceedings (as per 31.12.2023)</b>										
Requests received	0	0	4	1	0	0	0	0	0	5
Requests being examined	2	1	27	2	0	0	2	10	2	46
Mutual legal assistance procedures being executed	4	14	93	4	0	1	12	18	16	162
Objection proceedings	0	0	0	0	0	0	0	0	1	1
<b>Total of pending mutual legal assistance proceedings</b>	<b>6</b>	<b>15</b>	<b>124</b>	<b>7</b>	<b>0</b>	<b>1</b>	<b>14</b>	<b>28</b>	<b>19</b>	<b>214</b>
Duration of proceedings up to 1 year	2	5	79	3	0	1	6	9	10	115
Duration of proceedings 1 to 2 years	0	3	21	3	0	0	3	7	2	39
Duration of proceedings 2 to 3 years	2	0	19	0	0	0	1	3	2	27
Duration of proceedings 3 to 4 years	1	0	5	0	0	0	0	2	4	12
Duration of proceedings 4 to 5 years	0	2	0	1	0	0	1	1	1	6
Duration of proceedings more than 5 years	1	5	0	0	0	0	3	6	0	15

**Completions**

by type (total OAG)

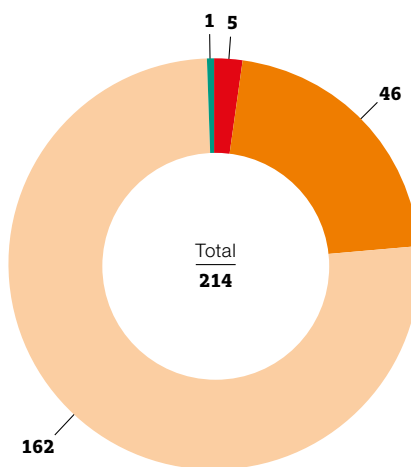
- Returned to FOJ for delegation to canton
- Mutual legal assistance refused
- Mutual legal assistance granted
- Other completions (e. g. dismissal, withdrawal, etc.)



**Pending as per 31.12.2023**

(total OAG)

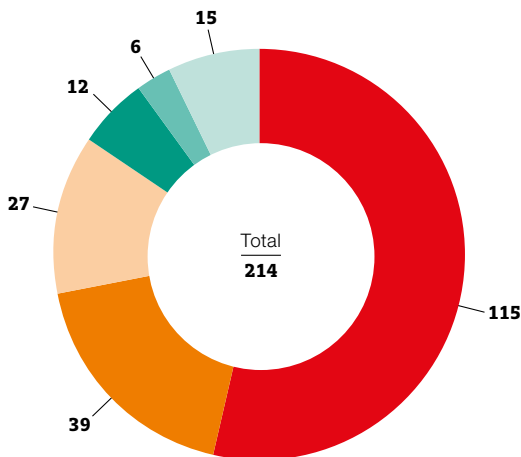
- Requests received
- Requests being examined
- Mutual legal assistance procedures being executed
- Objection proceedings



**Pending mutual legal assistance proceedings (as per 31.12.2023)**

by duration of proceedings (total OAG)

- up to 1 year
- 1 to 2 years
- 2 to 3 years
- 3 to 4 years
- 4 to 5 years
- more than 5 years

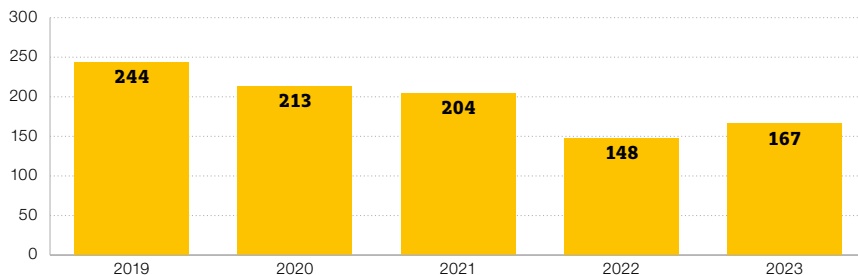


## Requests received for mutual legal assistance Development 2019–2023 (total OAG)

	2019	2020	2021	2022	2023
<b>Requests for mutual legal assistance accepted</b>	<b>244</b>	<b>213</b>	<b>204</b>	<b>148</b>	<b>167</b>
<b>Mutual legal assistance proceedings completed</b>					
Returned to FOJ for delegation to canton	30	20	27	25	17
Mutual legal assistance refused	6	6	6	1	1
Mutual legal assistance granted	165	209	169	115	83
Other completions (e. g. dismissal, withdrawal, etc.)	47	34	49	32	35
<b>Total of mutual legal assistance proceedings completed</b>	<b>248</b>	<b>269</b>	<b>251</b>	<b>173</b>	<b>136</b>
<b>Pending mutual legal assistance proceedings (as per 31.12.)</b>					
Requests received	14	10	5	9	5
Requests being examined	70	50	39	41	46
Mutual legal assistance procedures being executed	226	183	147	140	162
Objection proceedings	7	6	7	1	1
<b>Total of pending mutual legal assistance proceedings</b>	<b>317</b>	<b>249</b>	<b>198</b>	<b>191</b>	<b>214</b>
Duration of proceedings up to 1 year	–	–	–	94	115
Duration of proceedings 1 to 2 years	–	–	–	44	39
Duration of proceedings 2 to 3 years	–	–	–	18	27
Duration of proceedings 3 to 4 years	–	–	–	9	12
Duration of proceedings 4 to 5 years	–	–	–	14	6
Duration of proceedings more than 5 years	–	–	–	12	15

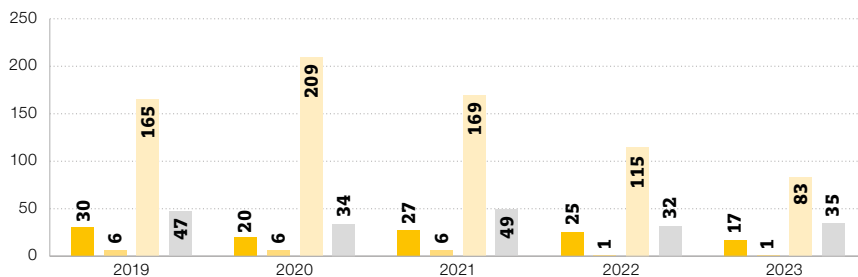
As certain statistics have only been collected since 2022, some of the comparative figures are not available for the previous years.

**Requests for mutual legal assistance accepted**



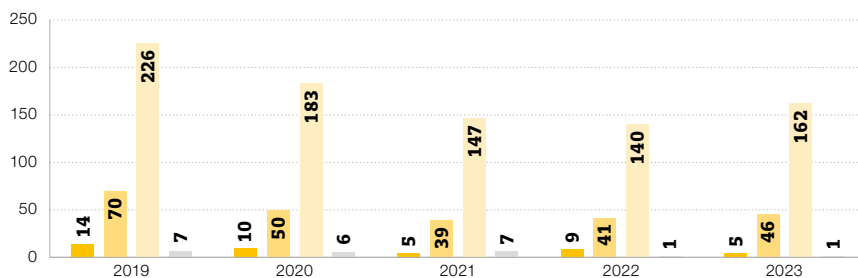
**Completions**

- Returned to FOJ for delegation to canton
- Mutual legal assistance refused
- Mutual legal assistance granted
- Other completions (e.g. dismissal, withdrawal, etc.)



**Pending as per 31.12.**

- Requests received
- Requests being examined
- Mutual legal assistance procedures being executed
- Objection proceedings



## Bulk business cases (only relates to ST offences) 2023

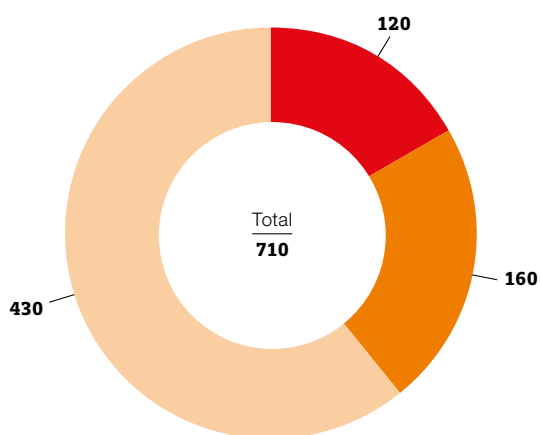
<b>New bulk business cases</b>	
Counterfeit money	120
Explosives	160
Offences against public officials	430
<b>Total of new bulk business cases</b>	<b>710</b>
<b>Bulk business cases completed</b>	
Counterfeit money	115
Explosives	158
Offences against public officials	333
<b>Total of bulk business cases completed</b>	<b>606</b>
<b>Pending bulk business cases (as per 31.12.2023)</b>	
Counterfeit money	20
Explosives	8
Offences against public officials	84
<b>Total of pending bulk business cases</b>	<b>112</b>
Duration of proceedings up to 3 months	89
Duration of proceedings 3 to 6 months	17
Duration of proceedings 6 to 9 months	3
Duration of proceedings 9 to 12 months	0
Duration of proceedings more than 12 months	3



**New entries**

by category (total ST)

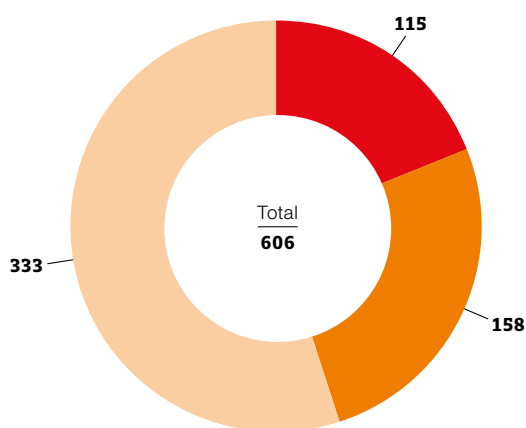
- Counterfeit money
- Explosives
- Offences against public officials



**Completions**

by category (total ST)

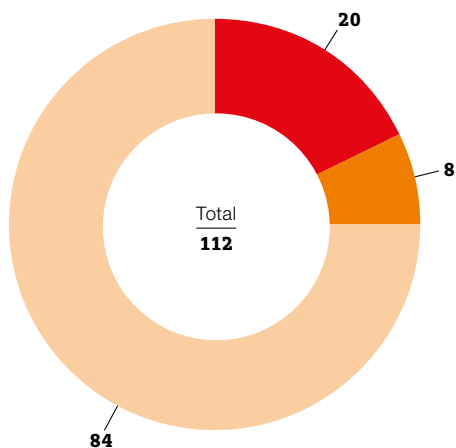
- Counterfeit money
- Explosives
- Offences against public officials



**Pending as per 31.12.2023**

by category (total ST)

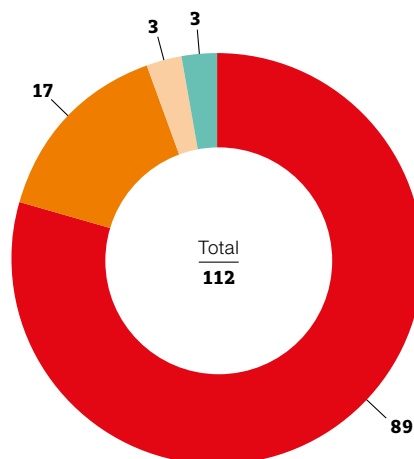
- Counterfeit money
- Explosives
- Offences against public officials



**Pending as per 31.12.2023**

by duration of proceedings (total ST)

- up to 3 months
- 3 to 6 months
- 6 to 9 months
- 9 to 12 months
- more than 12 months



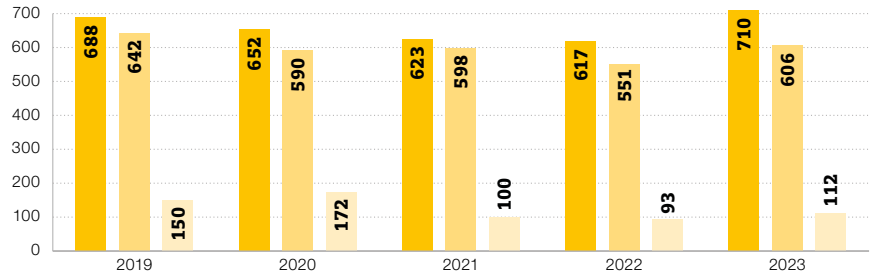
## Bulk business cases (only relates to ST offences) Development 2019–2023

	2019	2020	2021	2022	2023
<b>New bulk business cases</b>					
Counterfeit money	–	–	–	112	120
Explosives	–	–	–	126	160
Offences against public officials	–	–	–	379	430
<b>Total of new bulk business cases</b>	<b>688</b>	<b>652</b>	<b>623</b>	<b>617</b>	<b>710</b>
<b>Bulk business cases completed</b>					
Counterfeit money	181	181	136	98	115
Explosives	240	181	159	126	158
Offences against public officials	–	–	–	327	333
Miscellaneous (including offences against public officials)	221	228	303	–	–
<b>Total of bulk business cases completed</b>	<b>642</b>	<b>590</b>	<b>598</b>	<b>551</b>	<b>606</b>
<b>Pending bulk business cases (per 31.12.)</b>					
Counterfeit money	–	–	–	21	20
Explosives	–	–	–	5	8
Offences against public officials	–	–	–	67	84
<b>Total of pending bulk business cases</b>	<b>150</b>	<b>172</b>	<b>100</b>	<b>93</b>	<b>112</b>
Duration of proceedings up to 3 months	–	–	–	69	89
Duration of proceedings 3 to 6 months	–	–	–	9	17
Duration of proceedings 6 to 9 months	–	–	–	5	3
Duration of proceedings 9 to 12 months	–	–	–	3	0
Duration of proceedings more than 12 months	–	–	–	7	3

As certain statistics have only been collected since 2022, some of the comparative figures are not available for the previous years.

**Bulk business cases (only relates to ST offences)**

- New entries
- Completions
- Pending



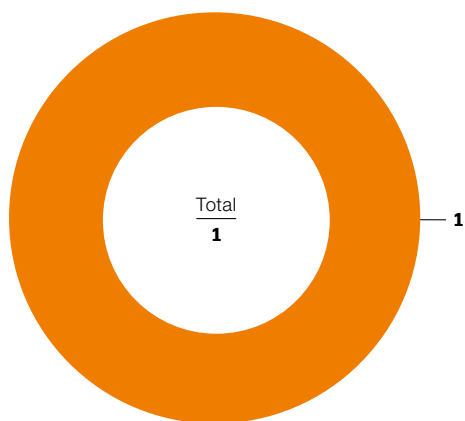
## Objections in the Federal Criminal Court 2023

	ST	KO	RH	TE	VO	CY	AW	GW	IK	ZEB	Total OAG
<b>Objections filed by the OAG in the Federal Criminal Court</b>											
Objections filed in the report year	0	0	0	0	0	0	0	0	0	0	0
Objections decided in the report year (some raised the previous year)	0	0	0	1	0	0	0	0	0	0	1
Granted or granted in part	0	0	0	0	0	0	0	0	0	0	0
Rejected or not considered	0	0	0	1	0	0	0	0	0	0	1
No longer relevant	0	0	0	0	0	0	0	0	0	0	0
<b>Objections filed against the OAG in the Federal Criminal Court</b>											
Objections filed in the report year	18	0	36	8	7	0	15	49	22	8	163
Objections decided in the report year (some raised the previous year)	17	0	32	7	8	0	25	48	19	8	164
Granted	2	0	2	0	0	0	2	12	1	0	19
Rejected, rejected in part or not considered	13	0	30	6	5	0	21	29	16	8	128
No longer relevant	2	0	0	1	3	0	2	7	2	0	17

**Objections filed by the OAG in the Federal Criminal Court**  
(total OAG)

Objections decided in the report year  
(some raised the previous year)

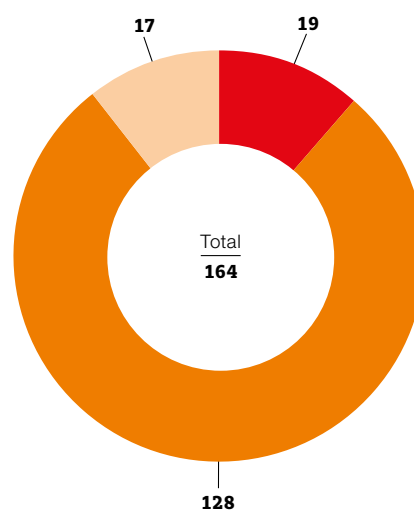
- Granted or granted in part
- Rejected or not considered
- No longer relevant



**Objections filed against the OAG in the Federal Criminal Court**  
(total OAG)

Objections decided in the report year  
(some raised the previous year)

- Granted
- Rejected, rejected in part or not considered
- No longer relevant



## Main proceedings and summary penalty orders 2023

	ST	KO	RH	TE	VO	CY	AW	GW	IK	Total OAG
<b>Indictments and transfers of summary penalty orders</b>										
Number of accused	19	0	0	5	0	0	4	3	0	31
Convicted	16	0	0	5	0	0	1	2	0	24*
Acquitted	3	0	0	0	0	0	3	1	0	7**
Dismissed by the Federal Criminal Court	0	0	0	0	0	0	0	0	0	0
<b>Accelerated proceedings</b>										
Number of accused	1	0	0	0	0	1	1	0	1	4
Convicted	1	0	0	0	0	1	1	0	1	4***
Returned	0	0	0	0	0	0	0	0	0	0
<b>Summary penalty orders</b>										
Summary penalty orders**** per accused, in legal force, including bulk cases	276	1	0	1	0	0	2	2	2	284

\* Of the 24 convictions, 15 are not yet in legal force.

\*\* Of the 7 acquittals, 5 are not yet in legal force.

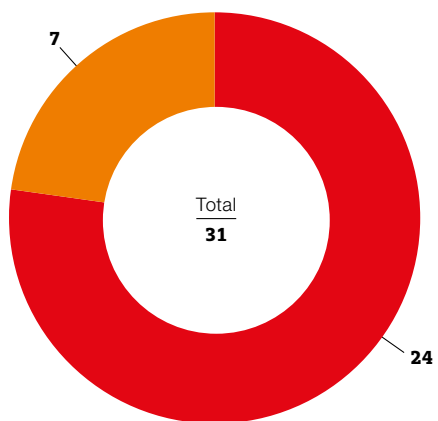
\*\*\* Of the 4 convictions in the accelerated proceedings,  
1 is not yet in legal force.

\*\*\*\* A summary penalty order can only be imposed on one person.  
It may therefore be possible that several penalty orders are issued  
in any single case.

**Indictments and transfers of summary penalty orders**  
(total OAG)

Number of accused

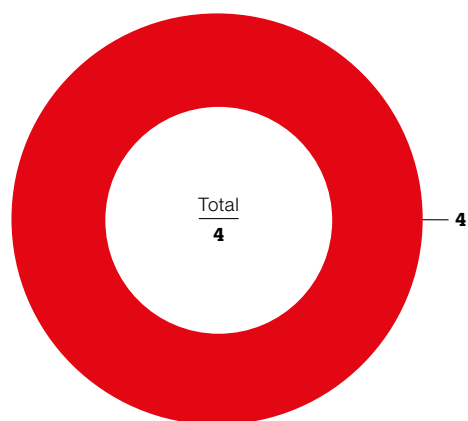
- Convicted
- Acquitted
- Dismissed by the Federal Criminal Court



**Accelerated proceedings**  
(total OAG)

Number of accused

- Convicted
- Returned



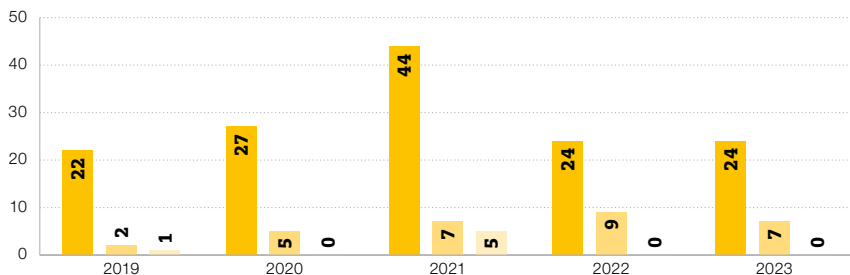
## Main proceedings and summary penalty orders Development 2019–2023 (total OAG)

	2019	2020	2021	2022	2023
<b>Indictments and transfers of summary penalty orders</b>					
Number of accused	25	32	56	33	31
Convicted	22	27	44	24	24
Acquitted	2	5	7	9	7
Dismissed by the Federal Criminal Court	1	0	5	0	0
<b>Accelerated proceedings</b>					
Number of accused	6	4	8	7	4
Convicted	6	4	7	5	4
Returned	0	0	1	2	0
<b>Summary penalty orders</b>					
Summary penalty orders per accused, in legal force, including bulk cases	228	203	294	341	284



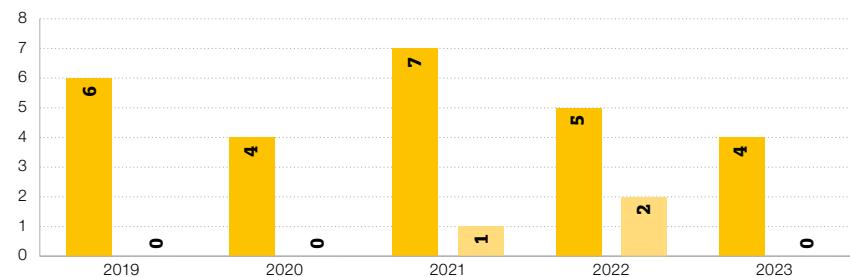
**Indictments and transfers of summary penalty orders**

Number of accused  
 ■ Convicted  
 ■ Acquitted  
 ■ Dismissed by the Federal Criminal Court



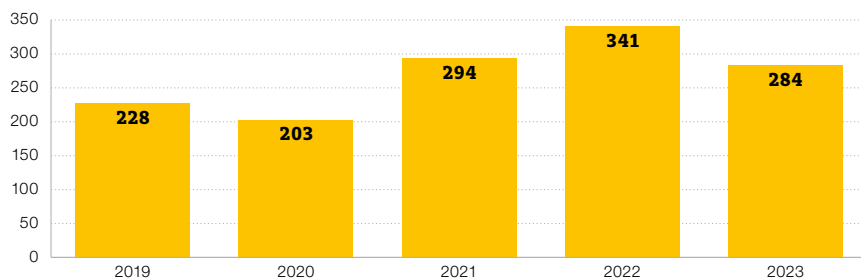
**Accelerated proceedings**

Number of accused  
 ■ Convicted  
 ■ Returned



**Summary penalty orders**

■ Summary penalty orders per accused, in legal force, including bulk cases

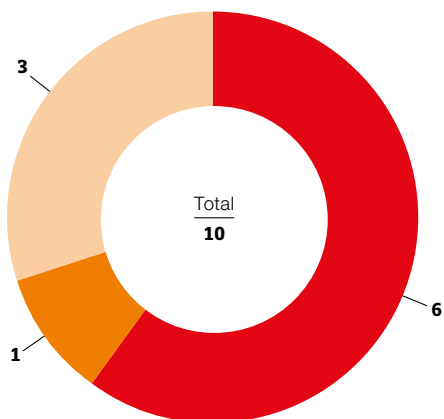




**Appeals filed by the OAG in the Higher Appeals Chamber of the Federal Criminal Court (total OAG)**

Appeals decided in the report year (some raised the previous year)

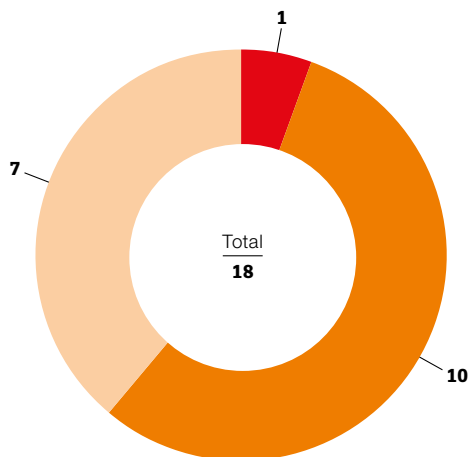
- Granted or granted in part
- Rejected or not considered
- No longer relevant



**Appeals filed against the OAG in the Higher Appeals Chamber of the Federal Criminal Court (total OAG)**

Appeals decided in the report year (some raised the previous year)

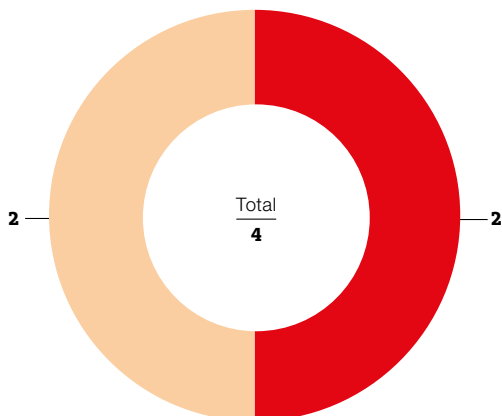
- Granted
- Rejected, rejected in part or not considered
- No longer relevant



**Cross-appeals filed by the OAG in the Higher Appeals Chamber of the Federal Criminal Court (total OAG)**

Cross-appeals decided in the report year (some raised the previous year)

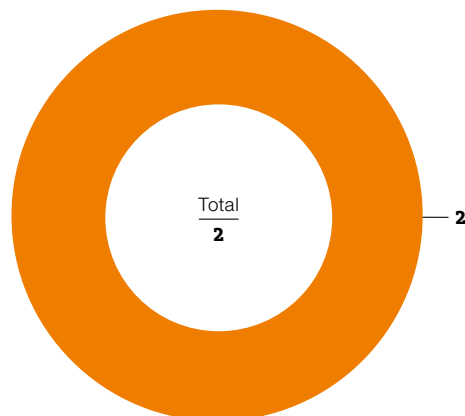
- Granted or granted in part
- Rejected or not considered
- No longer relevant



**Cross-appeals filed against the OAG in the Higher Appeals Chamber of the Federal Criminal Court (total OAG)**

Cross-appeals decided in the report year (some raised the previous year)

- Granted
- Rejected, rejected in part or not considered
- No longer relevant



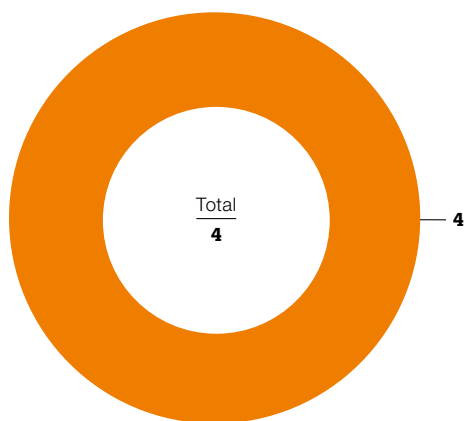
## Objections in the Federal Supreme Court 2023

	ST	KO	RH	TE	VO	CY	AW	GW	IK	ZEB	Total OAG
<b>Objections filed by the OAG in the Federal Supreme Court</b>											
Objections filed in the report year	1	0	0	0	0	0	0	5	2	0	8
Objections decided in the report year (some filed the previous year)	1	0	0	1	0	0	1	1	0	0	4
Granted or granted in part	0	0	0	0	0	0	0	0	0	0	0
Rejected or not considered	1	0	0	1	0	0	1	1	0	0	4
No longer relevant	0	0	0	0	0	0	0	0	0	0	0
<b>Objections filed against the OAG in the Federal Supreme Court</b>											
Objections filed in the report year	8	0	11	0	4	0	13	46	4	3	89
Objections decided in the report year (some filed the previous year)	5	1	9	3	4	0	10	35	4	2	73
Granted	1	0	0	0	0	0	0	0	0	0	1
Rejected, rejected in part or not considered	4	1	8	3	4	0	8	32	4	2	66
No longer relevant	0	0	1	0	0	0	2	3	0	0	6

**Objections filed by the OAG in the Federal Supreme Court**  
(total OAG)

Objections decided in the report year  
(some filed the previous year)

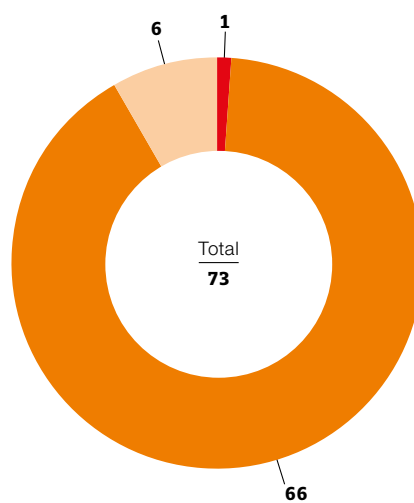
- Granted or granted in part
- Rejected or not considered
- No longer relevant



**Objections filed against the OAG in the Federal Supreme Court**  
(total OAG)

Objections decided in the report year  
(some filed the previous year)

- Granted
- Rejected, rejected in part or not considered
- No longer relevant



**Concept**

Office of the Attorney General of Switzerland

**Editing**

Office of the Attorney General of Switzerland

**Design concept and realisation**

Büro Z, Bern

**Illustrations**

Daniel Reichenbach, Zurich

**Photos**

Remo Ubezio, Bern

**Revision of texts**

Rotstift AG, Basel

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