

Mutual legal assistance and the cooperation of authorities

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The fight against money laundering requires cooperation across borders. Because assets of criminal origin are often transferred through several countries, tracing them requires information from banks in each of them. Switzerland provides mutual legal assistance in criminal matters to foreign states under the Federal Act on International Mutual Assistance in Criminal Matters and under bilateral and multilateral treaties, among them the European Convention on Mutual Assistance in Criminal Matters.¹ Foreign prosecutors can request the production of bank documents, the freezing of assets and their surrender for confiscation or restitution.

The Swiss procedure of mutual legal assistance gives the persons concerned, in particular the account holders, the right to be heard and to appeal against the transmission of their documents to the foreign authority. The appeals, first to the Federal Criminal Court and in particularly important cases to the Federal Supreme Court, can delay the transmission considerably, which foreign authorities have criticised. Over the years the Swiss authorities have shortened the procedures. In certain cases they can also transmit information spontaneously to foreign authorities, without a request.²

MROS cooperates with the financial intelligence units of other countries through the Egmont Group, the international network of financial intelligence units. Since a revision of the Anti-Money Laundering Act that entered into force in 2013 and was extended in 2021, it can exchange information with foreign units, including financial information obtained from Swiss intermediaries.³ The cooperation between financial intelligence units has become one of the most effective instruments of the international fight against money laundering.

1 Notes

1. Federal Act on International Mutual Assistance in Criminal Matters of 20 March 1981 (IMAC, SR 351.1); European Convention on Mutual Assistance in Criminal Matters of 20 April 1959 (SR 0.351.1). To be verified. ↩
2. On the procedure of mutual legal assistance in Switzerland, the right of appeal of the persons concerned (Art. 80e ff. IMAC) and spontaneous transmission of information (Art. 67a IMAC), see the standard literature. To be verified. ↩
3. On the international cooperation of MROS with foreign financial intelligence units (Art. 30 ff. AMLA) and its membership in the Egmont Group, see the publications of MROS. To be verified. ↩

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