

Federal administrative criminal law

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A third group of cases reaches Bellinzona through administrative criminal law. Breaches of the financial market acts and of the reporting duties under the Anti-Money Laundering Act are prosecuted by the Federal Department of Finance under the Federal Act on Administrative Criminal Law. If the person concerned does not accept the penalty and requests a judicial assessment within ten days, the Federal Department of Finance transmits the files to the OAG for the Federal Criminal Court, and the transmission counts as the indictment.¹ A recent example concerned a former compliance officer of Credit Suisse charged with failing to report suspicious transactions in breach of Article 37(1) in conjunction with Article 9 AMLA. The case concerned about USD 7.8 million transferred in March 2016 from the Mozambican finance ministry to an account at Credit Suisse and forwarded in large part to the United Arab Emirates within weeks. On 18 May 2026 the Criminal Chamber discontinued the proceedings because the seven-year limitation period had expired in early 2024, before the Federal Department of Finance issued its penalty notice in March 2025. The decision could be challenged before the Board of Appeal.² The case illustrates both the reach of the reporting duty and the difficulties of prosecuting it in time.

1 The Office of the Attorney General and its Lugano office

The OAG is an autonomous federal authority under Article 7 StBOG. It is headed by the Attorney General, who is elected by the Federal Assembly. Stefan Blättler has held the office since 1 January 2022 and was re-elected on 14 June 2023 for the term 2024– 2027. The OAG is supervised by an independent supervisory authority elected by the Federal Assembly.³ Its investigative work is divided among divisions for state protection and criminal organizations, for economic crime, which includes money laundering and international corruption, and for mutual assistance, terrorism, international criminal law and cybercrime, supported by a

forensic financial analysis unit. The economic crime division works from offices in Bern, Lausanne, Lugano and Zurich.⁴ Chapter G.III described the Lugano office and its cases against the Italian Mafia organizations. In its report for 2025 the OAG mentioned the indictment, in April 2025, of an Italian citizen charged with supporting a cell of the Anello-Fruci clan between 2001 and 2020, in a complex of proceedings with thirteen accused persons and a joint investigation team with the public prosecutor's office of Catanzaro.⁵ The trial opened in Bellinzona on 31 August 2026.

2 Penalty orders: the cases that never reach the court

Many of the OAG's most important cases against financial institutions never reach the Federal Criminal Court. Under Articles 352 ff. CrimPC the prosecutor may convict an accused who has admitted the facts, or whose case is otherwise sufficiently clear, by penalty order (*decreto d'accusa*, *Strafbefehl*) without a trial, provided the sentence does not exceed a fine, a monetary penalty of 180 daily units or a custodial sentence of six months. For an undertaking convicted under Article 102 SCC, the only penalty is a fine of up to CHF 5 million, so that corporate cases can be concluded by penalty order regardless of their size. If no valid objection is filed within ten days, the order becomes a final judgment.⁶ The OAG's report for 2025 lists several such cases. In February 2025 it fined Morgan Stanley (Switzerland) Sàrl CHF 1 million for organizational deficiencies that had enabled the laundering of corruption proceeds of a former Greek defence minister. In connection with the Petrobras and Odebrecht complex (*Lava Jato*) it fined Banque Pictet CHF 2 million in June 2025, together with a conditional sentence for a former manager, and J. Safra Sarasin CHF 3.5 million in August 2025, combined with a settlement of CHF 16 million in favour of Petrobras. In August 2025 it fined J.P. Morgan (Suisse) CHF 3 million in connection with the diversion of funds from the Malaysian sovereign fund 1MDB.⁷

Earlier penalty orders followed the same pattern. In October 2019 the OAG convicted the commodity trader Gunvor under Article 102 SCC for failing to prevent the bribery of public officials in the Republic of the Congo.⁸ In March 2024 it convicted PKB Privatbank of Lugano, as Chapter G.III explained, and in August 2024 Glencore International for failing to prevent bribery in the Democratic Republic of the Congo.⁹ Penalty orders are efficient and give the companies concerned certainty. They also mean that the legal standards of corporate liability are set in negotiated documents that are published only in summary and are not reviewed by a court. The judgments of the Federal Criminal Court in contested cases therefore carry particular weight, because they are the only place where the requirements

of Article 102 SCC are tested in adversarial proceedings and explained in reasoned decisions.

Essentials. Federal jurisdiction is the exception in Swiss criminal procedure. Article 23 CrimPC covers offences against federal interests, including insider dealing and market manipulation. Article 24(1) CrimPC assigns criminal organizations, terrorist financing, money laundering and bribery to the Confederation when the offences were committed to a substantial extent abroad or in several cantons without a clear focus, and Article 24(2) CrimPC gives the OAG an optional jurisdiction for international economic crime. Breaches of financial market and anti-money laundering legislation prosecuted by the Federal Department of Finance reach the Federal Criminal Court when a judicial assessment is requested. Many corporate cases under Article 102 SCC are concluded by penalty order of the OAG without a trial.

3 Notes

1. Federal Act on Administrative Criminal Law of 22 March 1974 (ACLA), SR 313.0, Art. 72(1), <https://www.droit-bilingue.ch/de-it/3/31/313.0-72-77.html>; Federal Act on the Swiss Financial Market Supervisory Authority of 22 June 2007 (FINMASA), SR 956.1, Art. 50(1) and (2), <https://www.droit-bilingue.ch/de-it/9/95/956.1-50-73.html>. ↩
2. Federal Criminal Court, press release on decision SK.2025.23, 26 May 2026, <https://www.bstger.ch/de/media/comunicati-stampa/2026/2026-05-26/1570.html>. The former compliance officer is presumed innocent. ↩
3. Office of the Attorney General, "Organizzazione" (above). ↩
4. Office of the Attorney General, "Organizzazione" (above); Rapporto di gestione 2025 (above). ↩
5. Office of the Attorney General, Rapporto di gestione 2025 (above). On the opening of the trial see Chapter G.III. The accused is presumed innocent. ↩
6. CrimPC, Art. 352(1) and Art. 354(1) and (3), <https://www.droit-bilingue.ch/de-it/3/31/312.0-352-364.html> and <https://www.droit-bilingue.ch/de-it/3/31/312.0-354-366.html>; Swiss Criminal Code of 21 December 1937 (SCC), SR 311.0, Art. 102, <https://www.droit-bilingue.ch/de-it/3/31/311.0-102-133.html>, and for the maximum fine of CHF 5 million the English version at <https://lawbrary.ch/law/art/STGB-v2025.01-en-art-102>. ↩

7. Office of the Attorney General, Rapporto di gestione 2025 (above). The report states the amounts as given in the text. ↩
8. Federal Criminal Court, press release on judgment SK.2023.40, 20 February 2025, <https://www.bstger.ch/de/media/comunicati-stampa/2025/2025-02-20/1458.html> (referring to the OAG's penalty order of 14 October 2019 against the company). ↩
9. See Chapter G.III on PKB. On Glencore: Office of the Attorney General, press release of 5 August 2024 (penalty order under Art. 102(2) SCC, fine of CHF 2 million and compensatory claim of about USD 150 million). ↩

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