The Office of the Attorney General and federal jurisdiction

Dr Alexander Ressos, TEP
Attorney-at-Law (Switzerland), Solicitor (Hong Kong),
Solicitor (England & Wales)

For serious cases Article 14 paragraph 2 EmbA opens a second track. If the criminal provisions of the Act apply, the Office of the Attorney General of Switzerland "may at the request of the relevant administrative unit initiate an investigation provided that this is justified by the seriousness of the offence". The opening of such an investigation establishes federal jurisdiction, so that the case is tried by the Federal Criminal Court in Bellinzona (Chapter J.II).[1] The Office of the Attorney General then has the instruments of the Criminal Procedure Code: searches, seizures, interception and international mutual assistance.

The first use of this track became known in 2024. In February 2024 Swiss radio reported that SECO had investigated at least three commodity trading companies for possible circumvention of the Russia sanctions and had referred two cases concerning Russian oil and petroleum products to the Office of the Attorney General, classifying them as particularly serious. The suspected circumvention ran through subsidiaries in the Gulf states, including the United Arab Emirates.[2] In March 2024 the Office of the Attorney General confirmed that it had taken over one of the cases, which concerned alleged sanctions violations by a Swiss company through a subsidiary abroad, and had returned the second to SECO.[3] The authorities have not published the name of the company. No judgment has been reported. Under the presumption of innocence the case must be regarded as open.

The Office of the Attorney General has also warned traders of a different risk. In July 2022 the Attorney General, Stefan Blättler, stated that the commercialization of raw materials looted in Ukraine could constitute a war crime and that his office had opened proceedings. Looting, he added, could also be a predicate offence for money laundering.[4] The warning concerned grain, coal and steel from the occupied territories, the same

Copyright © 2026 Dr Alexander Ressos, TEP - Attorney-at-Law (Switzerland), Solicitor (Hong Kong), Solicitor (England & Wales). For more information on legal, tax and trust services in Switzerland, please visit www.ressos.ch

goods that Lugano traders bought in Ukraine before 2022. Pillage is punishable as a war crime under Article 264g paragraph 1 SCC. Swiss jurisdiction extends to such crimes committed abroad when the offender is in Switzerland and is neither extradited nor surrendered to an international criminal court.[5] For a trader, the risk is that a cargo of Ukrainian origin offered through an intermediary in Turkey or Syria may in fact come from a plant or a silo seized by the occupying power.

1 Other federal and cantonal actors

Several further authorities play a part. The Federal Office of Justice transmitted the lists of sanctioned persons to the cantons in 2022, so that the land registries could identify and block real estate.[6] It is also the central authority for international mutual assistance in criminal matters, through which Italian prosecutors may request Swiss bank records in sanctions cases and Swiss prosecutors may request Italian evidence (Chapter H.IV). FINMA does not enforce the sanctions itself, a task that lies with SECO. Its supervisory reach follows from the Banking Act, which requires a bank to have an organization corresponding to its business and the persons entrusted with its administration and management to provide the guarantee of irreproachable business conduct. Deficient sanctions controls can therefore become a matter of prudential supervision and, in serious cases, of enforcement proceedings against the bank.[7] The cantons, finally, provide the courts that decide on requests for judicial assessment of SECO's penalty decisions, the land registries and, through their police, the support for searches ordered in administrative criminal proceedings.[8]

2 Notes

1. EmbA, Art. 14 para. 2, https://www.droit-bilingue.ch/en-de/9/94/946.231-14-17.html. ↩
2. SRF, "Russland-Sanktionen umgangen: Verdacht gegen zwei Rohstofffirmen erhärtet", 12 February 2024, https://www.srf.ch/news/schweiz/russland-sanktionen-umgangen-verdacht-gegen-zwei-rohstofffirmen-erhaertet. ↩
3. SRF, "Russland-Sanktionen umgangen: Bundesanwaltschaft ermittelt gegen Schweizer Rohstofffirma", 7 March 2024, https://www.srf.ch/news/schweiz/russland-sanktionen-umgangen-bundesanwaltschaft-ermittelt-gegen-schweizer-rohstofffirma. ↩
4. Blick, "Bundesanwalt Blättler warnt vor Handel mit ukrainischem Diebesgut", 14 July 2022,

Copyright © 2026 Dr Alexander Ressos, TEP - Attorney-at-Law (Switzerland), Solicitor (Hong Kong), Solicitor (England & Wales). For more information on legal, tax and trust services in Switzerland, please visit www.ressos.ch

https://www.blick.ch/wirtschaft/bundesanwalt-blaettler-warnt-zu-handel-mit-ukrainischem-diebesgut-schweizer-rohstoffhaendlern-droht-anklage-wegen-kriegsverbrechen-id17659290.html. ↩

5. SCC, Art. 264g para. 1 lit. c ("pillages or otherwise unlawfully appropriates property"), https://www.droit-bilingue.ch/en-de/3/31/311.0-264g-319.html; Art. 264m para. 1 (acts abroad punishable if the offender is in Switzerland and is not extradited or surrendered to an international criminal court), https://www.droit-bilingue.ch/en-de/3/31/311.0-264m-325.html. ↩
6. RSI, 4 March 2022 (above). ↩
7. Federal Act of 8 November 1934 on Banks and Savings Banks (Banking Act, BankA), SR 952.0, Art. 3 para. 2 lit. a ("die ihrer Geschäftstätigkeit entsprechende Verwaltungsorganisation") and lit. c ("Gewähr für eine einwandfreie Geschäftstätigkeit"), https://www.droit-bilingue.ch/de-fr/9/95/952.0-3-10.html; SECO, "FAQ – Sanktionen der Schweiz" (above), question "Wer ist federführend bei der Durchsetzung der Sanktionen?" ("Das SECO ist für den Vollzug und die Überwachung von Sanktionen in der Schweiz zuständig"); FINMA, news of 26 February 2026, https://www.finma.ch/en/news/2026/02/20260226-sanktionsmeldung-russland-belarus/ (financial intermediaries to implement the prohibitions, freeze assets and report to SECO). ↩
8. ACLA, Art. 73 para. 1 (transmission of the files to the cantonal public prosecutor for the competent criminal court), https://www.droit-bilingue.ch/de-fr/3/31/313.0-73-78.html; Art. 20 para. 2 (support by the police of the cantons and communes), https://www.droit-bilingue.ch/de-fr/3/31/313.0-20-23.html. ↩

For general information only. This article does not constitute legal or tax advice, does not replace advice on an individual case and creates no lawyer-client relationship. It reflects the legal position as of September 2026.

Online version: helveticaregister.com/lugano-the-office-of-the-attorney-general-and-federal-jurisdiction

Copyright © 2026 Dr Alexander Ressos, TEP - Attorney-at-Law (Switzerland), Solicitor (Hong Kong), Solicitor (England & Wales). For more information on legal, tax and trust services in Switzerland, please visit www.ressos.ch