

The Office of the Attorney General and its Lugano office

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

The OAG is organized by type of crime. One division handles state protection and criminal organizations, another economic crime, which covers general economic crime, money laundering and international corruption, and a third international mutual assistance, terrorism, international criminal law and cybercrime. A financial forensic analysis unit supports the prosecutors. Besides its head office in Bern, the OAG maintains regional offices in Zurich, Lausanne and Lugano.¹ The Lugano office conducts proceedings in Italian and is therefore the natural seat for federal cases with an Italian dimension. Its prosecutors work with the Italian DDA, with the Guardia di Finanza and with the federal criminal police (fedpol), and they bring their cases before the Federal Criminal Court in Bellinzona, a few kilometres away. The OAG's proceedings in the Thurgau and *Imponimento* cases and its cases against banks under Article 102 SCC show how federal jurisdiction gathers the Ticino front line into a national system.

1 The Federal Criminal Court

The Federal Criminal Court (*Tribunale penale federale*), which sits in Bellinzona and began its work on 1 April 2004, tries the cases that fall under federal jurisdiction. Its Criminal Chamber decides at first instance. Since 1 January 2019 its Appeals Chamber hears appeals against these judgments, and a further appeal lies to the Federal Supreme Court. Its Objections Chamber decides on complaints against coercive measures of the OAG and on matters of international mutual assistance.² Chapter J.II describes the court and its use of the three official languages. For the Ticino front line the court matters in three ways. It tries the Mafia cases described in the previous section. It decides, through its Objections Chamber, on complaints of banks, fiduciaries and account holders against seizures and against the transmission of bank documents to Italy. And through its

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judgments under Article 102 SCC it defines what organization a bank must have.

For the practitioner. In a Ticino case with an organized crime or large crossborder laundering dimension, counsel should expect: - federal jurisdiction (Art. 24 CrimPC) and proceedings conducted by the OAG, often by its Lugano office in Italian, - parallel Italian proceedings by a DDA, with requests for mutual assistance executed by the OAG or by the cantonal prosecutors, complaints against coercive measures and mutual assistance decisions before the Objections Chamber of the Federal Criminal Court in Bellinzona, - for the institution itself, the risk of proceedings under Art. 102(2) SCC and of FINMA enforcement in parallel, - for cases with a purely local focus, the Ticino Public Prosecutor's Office, whose financial crime prosecutors carry heavy caseloads.

2 Notes

1. Office of the Attorney General of Switzerland, "Organizzazione", <https://www.bundesanwaltschaft.ch/it/organizzazione>. ↩
2. Federal Criminal Court, "Cronistoria", <https://www.bstger.ch/de/il-tribunale/cronistoria.html> (start of the court's work on 1 April 2004; start of the Appeals Chamber on 1 January 2019; Federal Act on the Organization of the Federal Criminal Authorities, CrimAA, in force since 1 January 2011). The CrimAA of 19 March 2010 is SR 173.71. See also Chapter J.II. ↩

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.

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