

Mutual legal assistance and translation

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International cooperation in legal matters involves Zug frequently, since many of the companies and persons concerned by foreign investigations have their seat or residence in the canton. Requests for mutual legal assistance in criminal matters must be submitted to Switzerland in an official language or accompanied by a translation, unless a treaty provides otherwise.¹ Requests from the United States, the United Kingdom and other English-speaking states must therefore be translated into German when they concern Zug. The Swiss authorities execute them under Swiss procedure, in German, even though the documents they obtain are often in English.

In civil matters, service of documents and the taking of evidence abroad are governed by the Hague Conventions. Switzerland requires that documents formally served on persons in Switzerland under the Service Convention be written in or translated into the official language of the place of service, unless the addressee accepts them voluntarily. A claim filed in London against a Zug company must be translated into German before it can be formally served in the canton.² International litigants often overlook this requirement, which can delay proceedings. It illustrates that the canton's courts and authorities, however familiar with English in practice, apply the formal rules of their official language.

1 Notes

1. Federal Act of 20 March 1981 on International Mutual Assistance in Criminal Matters (IMAC / IRSG), Art. 28 para. 5, German and English text on droit-bilingue.ch: foreign requests and their enclosures must be submitted in German, French or Italian or be accompanied by a translation into one of these languages. The treaty proviso is not covered by this provision. ↩

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2. HCCH, Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents, status table, declarations and reservations, [hcch.net](https://www.hcch.net): Switzerland declares under Art. 5 para. 3 that a document the addressee does not voluntarily accept cannot be officially served unless it is in the language of the authority addressed (German, French or Italian, depending on the part of Switzerland) or accompanied by a translation into that language; Switzerland also opposes transmission under Arts 8 and 10. ↩

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