

Trafigura: the first trial

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The case against Trafigura, a trader headquartered in Geneva and Singapore, was the first case in which a commodity trader was tried before a Swiss court for bribery. On 31 January 2025, the Criminal Chamber of the Federal Criminal Court convicted Trafigura Beheer BV, the parent company of the group, under Article 102 in conjunction with Article 322septies of the Criminal Code. Between April 2009 and October 2011, bribes of more than 4 million euros, 600,000 dollars and 800 francs had been paid to an official of the Angolan state oil company Sonangol. The court found that organisational deficiencies at the company had enabled the bribes, in particular the absence of internal guidelines of the group for the monitoring of the activities of intermediaries. It imposed a fine of 3 million francs and a compensation claim of 145 million dollars. The former Sonangol official was sentenced to a partially suspended custodial sentence of 36 months, of which 14 months unconditional. A manager of an intermediary company received 24 months suspended, while a former executive of the Trafigura group received a partially suspended sentence of 32 months, of which 12 months unconditional.¹ The Trafigura judgment is significant for the traders of Zug, although it concerned a Geneva group. It was the first judgment of a court on the liability of a commodity trader under Article 102, since the earlier cases had ended with summary penalty orders of the prosecutor. It confirmed that the monitoring of intermediaries is a core element of the organisational measures that the provision requires. It showed that a foreign parent company, here a Dutch company, can be convicted in Switzerland where the offence was committed through its Swiss operations. And it showed that individual managers and employees face custodial sentences for their participation in bribery.

1 Notes

1. Federal Criminal Court, press release on case SK.2023.49, 31 January 2025, bstger.ch: conviction of Trafigura Beheer BV under Art. 102 StGB in conjunction with Art. 322septies StGB; bribes of more than EUR 4 million, USD 600,000 and CHF 800 to a Sonangol official between April 2009 and October 2011; organisational deficiencies, in particular the absence of internal guidelines of the group for monitoring the activities of intermediaries; fine of CHF 3 million; compensation claim of USD 145 million; sentences of 36 months partially suspended (14 months unconditional) for the former Sonangol official, 24 months suspended for a company manager and 32 months partially suspended (12 months unconditional) for a group executive.



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