Switzerland: criminal enforcement and AML

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Office of the Attorney General of Switzerland (OAG; Bundesanwaltschaft)

The federal prosecutor, competent for money laundering with international dimensions, organised crime, offences against the federal administration and cases delegated by the cantons. The OAG has run the larger crypto fraud and laundering cases and handles incoming mutual legal assistance requests in federal matters.[1] Approach: criminal complaints are filed in writing with the facts and evidence. Counsel for a victim can ask for party status as a private claimant. The OAG does not comment on pending investigations.

Cantonal prosecutors of Zug and Zürich

The ordinary prosecutors for fraud, misappropriation, computer offences and domestic laundering. Zug's prosecution office has a specialist unit for economic crime with crypto experience, and Zürich's has the largest economic crime unit in the country.[2] Approach: criminal complaints with transaction hashes, addresses and

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a tracing report move faster than those without. Both offices cooperate with exchanges and blockchain analytics firms and will order seizure of assets at Swiss custodians within days when the evidence is clear.

Money Laundering Reporting Office Switzerland (MROS)

The financial intelligence unit within fedpol, the recipient of suspicious activity reports under Art. 9 AMLA and the body that decides whether to forward a report to a prosecutor. MROS publishes annual statistics and typology reports that include digital-asset cases.[3] Approach: reports are filed through the goAML portal by financial intermediaries only. MROS does not communicate with the subject of a report and does not answer questions from the public.

Federal Office of Police (fedpol)

The federal police authority, housing MROS and the units for cybercrime coordination and international police cooperation. Fedpol's relevance to practitioners is through MROS and through its role in the execution of mutual assistance requests.

Notes

1. Criminal Procedure Code of 5 October 2007 (CrimPC; StPO, SR 312.0), Art. 23 and 24; Federal Act on International Mutual Assistance in Criminal Matters of 20 March 1981 (IMAC; IRSG, SR 351.1); see Part H, Chapters II and VI. ↩
2. The cantonal prosecutors' crypto practice is described in Part H, Chapter II. ↩
3. AMLA Art. 23; MROS's role and the reporting procedure are described in Part F, Chapter V. ↩

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