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Visit of the Attorney General in Cairo

Bern, 16.01.2016 - On 16 January 2016 an operative meeting was held in Cairo, the Egyptian capital, between the Office of the Attorney General of Switzerland and the Egyptian judicial authorities. Direct bilateral exchange should support the criminal prosecution authorities in both countries to boost their joint efforts, in particular as regards alleged cases of money laundering in connection with the Arab Spring in Egypt.

Today the Attorney General met the Egyptian judicial authorities in Cairo with a delegation of the Office of the Attorney General of Switzerland (OAG). The agenda included mutual exchange of information as regards criminal proceedings being conducted by both countries, in particular in cases of alleged money laundering in connection with the Arab Spring, and as regards the associated legal assistance proceedings. Furthermore, the further development in the relevant proceedings was discussed. The direct exchange of the mutual status of the investigations and possible legal obstacles is important. Coordinated international cooperation is essential and the Egyptian authorities' contribution relevant for the OAG in order to take adequate decisions. The OAG has conducted its own investigations and followed the judgments handed down in Egypt closely.

Since the start of the criminal proceedings, the OAG has asked for information from the Egyptian authorities in about 30 requests for legal assistance. By comparing this information provided with that from its own criminal proceedings, the OAG was able to establish whether the assets frozen in Switzerland originate from a crime committed in Egypt. The amount of the funds seized amounts to CHF 590 million. It must be noted here that under Swiss law assets can only be forfeited if there is a causal connection or nexus to a crime. The success of the objective of Switzerland and Egypt to return the assets depends authoritatively on the work and results of the Egyptian judiciary. Judgments and rulings in Egypt relating to persons accused in Switzerland are analysed in detail as regards the nexus to the funds and account connections frozen in connection with Swiss criminal proceedings.

Swiss criminal proceeding

In 2011 the OAG opened three criminal proceedings relating to money laundering (Article 305bis Swiss Criminal Code) following the events in Egypt on the basis of reports from the Money Laundering Reporting Office Switzerland (MROS). The proceedings were soon thereafter combined into one proceeding against 14 accused individuals and expanded to the crime of participating in or supporting a criminal organisation (Article 260ter Swiss Criminal Code).

The Arab Republic of Egypt was admitted as a party in the criminal proceeding by the OAG, but access to the file was restricted initially and is being granted gradually depending on the issuing of the final decrees within the framework of the legal assistance proceedings ongoing in parallel.

It has not yet been possible to complete the requests for legal assistance from the Egyptian authorities, which the OAG has been conducting since 2011, due to the sequence of events in Egypt.

In June 2015 the OAG issued a partial ruling abandonment proceedings in relation to the participating in or supporting a criminal organisation, but this has not yet come into legal force due to an appeal from the Arab Republic of Egypt.

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