



Status as at 7 September 2007

CHECKLIST FOR FOREIGN REQUESTS FOR MUTUAL ASSISTANCE IN CRIMINAL MATTERS

Requests for Mutual Assistance in Criminal Matters addressed to Switzerland must correspond to the following requirements and contain the following indications:

1. Legal bases

- European Convention on Mutual Assistance in Criminal Matters of 20th April 1959 / other agreements containing prescriptions on mutual assistance; or
- bilateral treaty; or
- declaration / agreement on reciprocity.

2. Requesting Authority

- Indicate the competent investigating or prosecuting authority; and
- State the office / authority from which the request emanates. It is recommendable to indicate the person dealing with the case (name as well as telephone and telefax numbers).

3. Object of the request

- Investigation or criminal proceeding before a judicial authority; or
- Preliminary enquiries of an authority which is authorized by law to investigate or to prosecute offences, provided that an appeal to a judge can be made in the foreign proceeding.

4. Person who is the target of the investigation or proceeding

- Furnish as far as possible exact and complete identifying data of the accused/incriminated person (family name, first name, nationality, date and place of birth, profession, address, etc.).

5. Summary of the facts/legal qualification of the offence

- Give a summary of the relevant facts indicating the place, the time and the manner of the perpetration of the offence. In a voluminous and complicated case, a résumé of the most important facts has to be added; and
- Indicate the legal qualification of the facts (murder, theft, fraud, etc.).

6. Reason for the request

- Point out the connection between the foreign proceeding and the required measures;
- Indicate exactly the evidences sought and the acts requested (blocking of the account X by the bank Y, seizure / surrender of the documents XY, interview of the witness Z, etc.);
- In case of examination of witnesses a questionnaire has to be elaborated;
- In case of search for persons or premises, for seizure or surrender of objects a confirmation has to be added that these measures are permitted in the requesting State (does only apply to States with whom exists no agreement on Mutual Assistance in Criminal Matters).

7. Application of the foreign law at the execution (exception)

- Show the need for the application of the foreign prescription at the execution; and
- Reproduce the legal prescription to be applied.

8. Presence of parties to the foreign proceedings at the execution (exception)

- Give the reasons for the presence of these persons at the execution; and
- Indicate exactly the identity and the status (office) of these persons.

9. Form of the request

- written;
- A legalisation of the official records is not necessary.

10. Language/Translation

- Draft the request in German, French or Italian; otherwise
- Enclose a translation into one of these three official languages.

11. Channels of Transmission

- By diplomatic channels to the Federal Office of Justice of the Federal Department of Justice and Police in Berne, if there is no agreement regarding other channels (through the Ministry of Justice or direct contact with the requested authority);
- In urgent cases through Interpol; the request has to be confirmed in writing and its original must be transmitted later on through ordinary channels to the Federal Office of Justice.