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Federal Department of Justice and Police FDJP  
**Federal Office of Justice FOJ**  
Division for International Legal Assistance

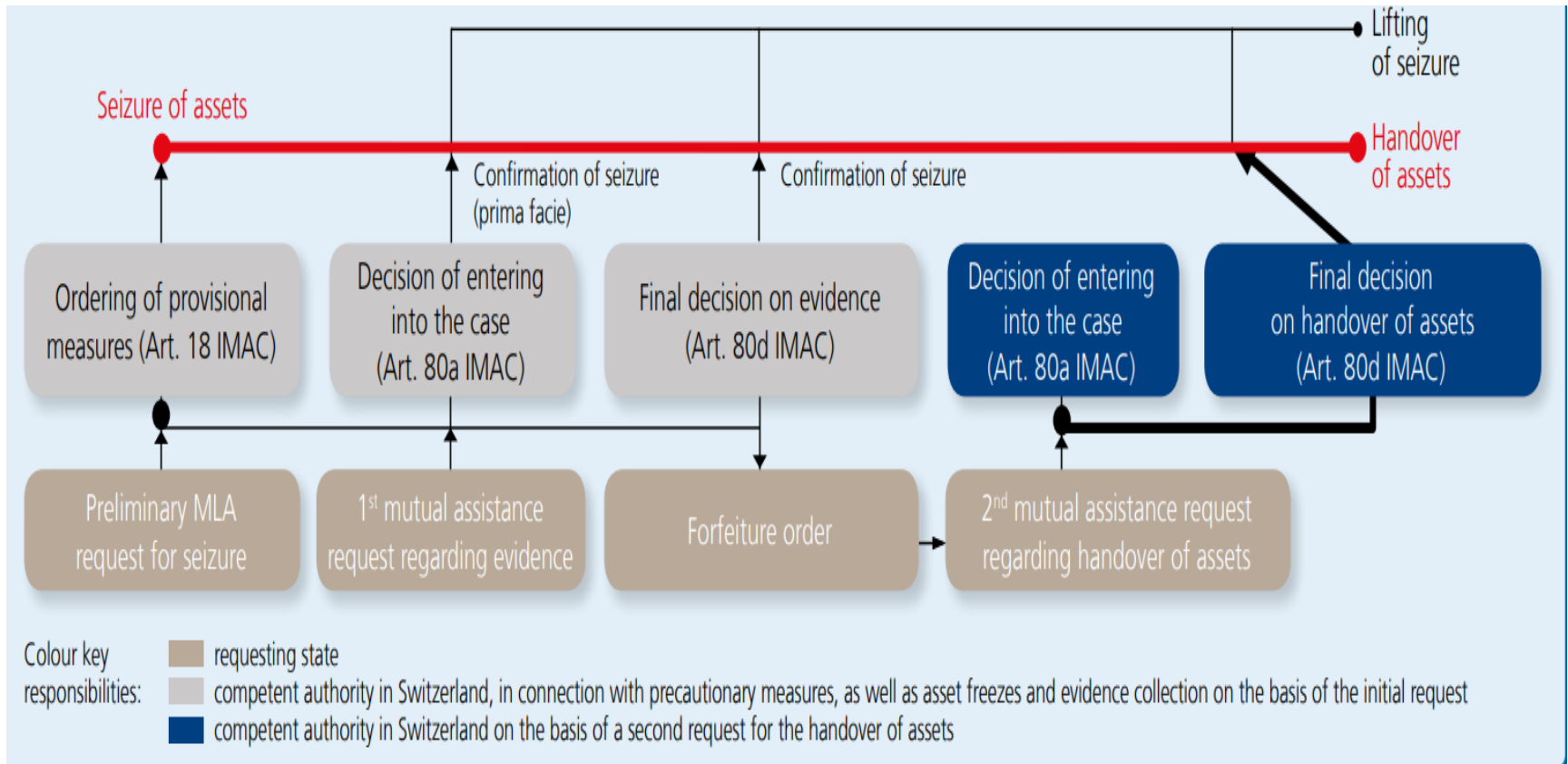
# **Best practices in Asset Recovery: Cooperation through so-called mirror proceedings**

**UNCAC CoSP Intersessional Meeting**

Dr. Barbara Kammermann, Legal Officer, International Treaty Unit



# Seizure of Assets in MLA procedure





# «Mirror proceedings»

- Swiss money-laundering investigation opened based on a suspicious activity report
  - Spontaneous transmission of information / evidence to foreign country (Art. 46 (4) UNCAC; Art. 67a IMAC)
  - Opening of criminal investigation in the receiving country
- Swiss money-laundering investigation opened based on a foreign MLA request
- Money-laundering investigation in Switzerland: Predicate offense is necessary (i.e. corruption/bribery in foreign country)



# Advantages of «mirror proceedings»

- Active requests from both states -> proactive law enforcement exchanges based on MLA
- Division of work -> Focus on own investigation
- Most efficient cooperation possible in particularly complicated cases
- Maximum coordination between proceedings and maximum likelihood to remove funds from the disposal of criminals



## **Publication of the FOJ:**

Website: <http://www.rhf.admin.ch>

Guideline „International Mutual Legal Assistance in Criminal Matters“, 9th Edition 2009 (German, French, Italian, English).

Checklist (German, French, Italian, English, Russian, Spanish)

Leaflet “Recovering unlawfully obtained assets located in Switzerland”

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