



The different areas of competence of the Federal Office of Justice (FOJ): International Mutual Legal Assistance in Criminal Matters and the Federal Office for Police (fedpol): Police Co-operation – 1st February 2010  
(as amended on 1st January 2012)

<i>Extradition (FOJ)</i>	<i>Mutual Legal Assistance (FOJ)</i>	<i>Police Co-operation (Fedpol)</i>
	<b>Mutual Legal Assistance - performance of procedural acts (service of documents, taking of evidence in criminal proceedings/in a criminal investigation commenced in a foreign country), art. 63 ff. IMAC</b>	<b>Exchange of police information / Police Co-operation within the framework of art. 75a IMAC/ 35 D-IMAC, or within art. 13 Law on Central Authorities for Criminal Police</b>
	<b>Handling of requests for assistance emanating from judicial authorities and entailing all compulsory measures that are admissible in criminal proceedings / investigations. Requests issued by administrative authorities are exceptionally admitted if the measures that are to be taken are compulsory measures.</b>	<b>Handling of requests from police authorities issued within their own competence and which are not compulsory at the procedural level.</b>
Interview of the persons subject of the request for extradition (order given to Cantons)	Formal interview of a witness (summons to appear, duty to testify and to tell the truth) Formal interview of an accused person	Interview of persons by the police
Identity checks on the persons subject of the request for extradition. If necessary, compulsory measures (i.e., authorisations to check delivered to the Identification Service or to the cantons).	Disclosure through compulsory measures of new information about a person's identity (i.e., photographs, fingerprints, DNA data, etc.)	Disclosure of readily available information about a person's identity (i.e., photographs, fingerprints, DNA data, etc.)

<i>Extradition (FOJ)</i>	<i>Mutual Legal Assistance (FOJ)</i>	<i>Police Co-operation (Fedpol)</i>
Handing over of entire criminal decision rulings (i.e., court files) or other legal documents in case of extradition	Handing over of entire criminal decision rulings (i.e., court files) or other legal documents in the original or in certified copies Provision of extracts of judicial records on request of foreign authorities (competence of the Judicial Records Service FOJ)	Direct exchange of information available to the judicial police about a person's criminal record or any kind of police information
Disclosure of secrets protected by law within the framework of the handing over of objects and/or assets related to extradition or transfer of proceedings	Disclosure of secrets protected by law (i.e., banking or business secrecy) ordered through a judicial authority	Disclosure of information which formerly had been obtained through a disclosure of secrets protected by law; this has to be made in accordance or at the order of the acting judicial authority and according the rules fixed by law
Seizure and handing over of objects and/or assets within the framework of the provisions for the handing over of seized objects and/or assets related to extradition or transfer of proceedings	Seizure and handing over of objects and/or assets within the framework of articles 74 et 74a IMAC	The surrender of unlawfully acquired objects and assets to the assigned person without the use of compulsory measures
	Authorisation of observations / surveillance of persons (of more than 30 days or including the use of technical surveillance devices according article 280 Criminal Procedure or when such requests for observation are made by states outside of "Schengen" and with which Switzerland has concluded no Police Co-operation treaty containing that measure)	Authorisation of observations / surveillance of persons (for up to 30 days), without the use of technical surveillance devices according article 280 Criminal Procedure, within the framework of Police Co-operation according "Schengen" and other treaties which contain that measure Planning and operational implementation of these international observations

<i>Extradition (FOJ)</i>	<i>Mutual Legal Assistance (FOJ)</i>	<i>Police Co-operation (Fedpol)</i>
Extradition procedures against persons which were arrested as a result of hot pursuit	Mutual legal assistance for criminal prosecution proceedings as a follow-up of a cross-border hot pursuit	Authorization and operational co-ordination of cross-border hot pursuit Transmission to FOJ of all useful information which may simplify an extradition procedure
	Handling of requests for legal assistance in view of controlled deliveries	Planning and implementation of controlled deliveries
Surveillance measures (wiretaps of telephone) within the context of foreign requests for search and arrest	Telephone surveillance; disclosure of other information (i.e. secret numbers) ordered through a judicial authority	Disclosure of holders of telephone numbers and fringe technical data which are available without the use of compulsory measures Disclosure of holders of post office boxes and information about hotel registers
Transmission and reception of requests concerning the transfer of proceedings and of laying of information in connection with proceedings pursuant to art. 6 of the European Convention on Extradition, art. 21 of the European Convention on Mutual Assistance in Criminal Matters and art. 85ff IRSG	Spontaneous transmittal of information and/or evidence from a Swiss criminal proceeding related to Internet crimes (art. 67a IMAC)	Disclosure of holders of IP-addresses and fringe technical data which are available without the use of compulsory measures
	Handling of requests for legal assistance in view of the use of an undercover agent in Switzerland	Planning and guidance of an undercover agent in Switzerland
		Handing over of extracts from official registers (i.e., companies, real estate, collection of debts and family registers)

<i>Extradition (FOJ)</i>	<i>Mutual Legal Assistance (FOJ)</i>	<i>Police Co-operation (Fedpol)</i>
	Requests for legal assistance concerning criminal offences in road traffic	Police co-operation in relation with traffic law violations Seizure of motor vehicle licence plates
Presence of persons involved in the foreign proceedings during the execution of arrests in view of an extradition	Presence of persons involved in the foreign proceedings during the execution of foreign mutual legal assistance requests (i.e., Prosecutors and Examining Magistrates, Police Officers, Defendants, etc.) subject to an incidental Decree (art. 80e IMAC)	Visits/missions of foreign officials within the framework of police co-operation; Exercising official functions within the framework of existing treaties on police co-operation
Transmission and reception of requests concerning the transfer of proceedings and of laying of information in connection with proceedings pursuant to art. 6 of the European Convention on Extradition, art. 21 of the European Convention on Mutual Assistance in Criminal Matters and art. 85ff IRSG	Spontaneous transmittal of information and/or evidence from a Swiss criminal proceeding (art. 67a IMAC)	Spontaneous transmittal of information within the framework of police co-operation

<i>Extradition (FOJ)</i>	<i>Mutual Legal Assistance (FOJ)</i>	<i>Police Co-operation (Fedpol)</i>
<p>Foreign requests for search and arrest (art. 95 “Schengen”, mandates given to RIPOL, to the cantons, etc.); Warrants of arrest with a view to extradition, etc.</p>		<p>Address search for missing or accused persons, witnesses or informants with a view of passing the information abroad  In accordance with FOJ: implementation on national and international level of targeted search or exchange of information in view of arresting persons wanted for extradition  Withdrawing Swiss identity documents in relation with requests for extradition (art. 7 Law on ID-documents); Issuing a laissez-passer for return to Switzerland in co-ordination with OFJ</p>