

## AUDIT

# Process audit of the enforcement of judgments handed down by the federal criminal justice authorities

Office of the Attorney General of Switzerland

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## KEY FACTS

The Office of the Attorney General of Switzerland (OAG) enforces its own orders and Federal Criminal Court judgments, with the exception of penalties and measures delegated to the cantons. The OAG entrusts the execution of the tasks for which it is responsible to the Judgment Enforcement Section (UV), which is part of the General Secretariat (GS). This section had fallen behind in processing cases. At the end of 2022, 2,000 judgments were pending enforcement, equivalent to about four years of judgments. The OAG created the Operations Staff organisational unit within the GS in April 2023. Enforcing the judgments of the federal criminal justice authorities involves complex legal tasks. The UV Section manages assets sequestered in Switzerland and abroad, and implements compensatory claims and debt recovery procedures with the cantonal debt enforcement and judicial authorities. Judgment enforcement includes issuing and collecting court fees. The OAG will separate the Operations Staff organisational unit from the GS in April 2025 at the earliest. The UV Section will be separated from the GS and will be integrated into a new division that will group all procedural support services together. The new division will be independent of those in charge of conducting proceedings.

The Swiss Federal Audit Office (SFAO) audited the efficiency and effectiveness of the enforcement of judgments handed down by the federal criminal justice authorities. The SFAO analysed the organisation and the enforcement processes, as well as a selection of tasks entailing a particular risk. For comparison purposes, it exchanged views on criminal judgment enforcement practices with representatives of the canton of Zurich.

The audit findings were mixed. The organisation put in place to manage pending cases and avoid the limitation of old cases has proved effective. Procedures for regularly monitoring cases have made it possible to offset the weaknesses of a highly fragmented information system. However, these manual compensatory measures mobilise considerable resources within the UV Section.

## An efficient but resource-intensive judgment enforcement organisation

The OAG started taking measures from 2023 onwards to reduce the backlog of cases. Since the end of 2024, the enforcement organisation for judgments of the federal criminal justice authorities has been ensuring that cases are processed efficiently. This efficiency is based primarily on close monitoring of employees' work by means of regular bilateral exchanges. Complex cases are handled in a specific and coordinated manner. The OAG uses an old application to manage criminal investigations and the enforcement of judgments via two separate modules, which are not interconnected via an automatic interface and a unique case identifier. Since the end of 2022, some criminal investigation tasks have been managed in the new Core-Link digital environment. The lack of an interface with SAP and other financial and business applications complicates the enforcement of judgments, resulting in a loss of efficiency.

The OAG should ensure that the enforcement of judgments handed down by the federal criminal justice authorities benefits from a modern and integrated digital environment. The SFAO recommends that the OAG define the business and technical requirements necessary for the enforcement of judgments of the federal criminal justice authorities to be included quickly and efficiently in the electronic document and case management environment (Core-Link). The SFAO also urges the OAG to deploy strategic management tools similar to those developed for criminal investigations.

## Adjustments to be made to the enforcement procedures for judgments of the federal criminal justice authorities

The OAG monitors the reimbursement of medical expenses related to the detention of persons subject to federal proceedings in the cantons. The rules and procedures for covering these expenses are not set out in federal law, but are defined by analogy in intercantonal agreements. In February 2024, the OAG instructed the cantons to itemise their invoices and substantiate their accuracy. Not all cantons are complying with this request from the OAG. The OAG will have to make the cantons aware of the need for a strict separation between medical expenses and other expenses incurred in the execution of sentences, and for explicit confirmation of the health insurance company's refusal to cover costs.

The tailored monitoring of claims for official public defence costs, the reimbursement of which is conditional on the financial capacity of the accused, is effective. However, it requires significant resources, particularly in situations and/or countries where the likelihood of recovery is low. The appropriate application of a principle of expediency when resorting to international mutual legal assistance for collection could help save resources.

The strengthening of the independence of the enforcement of judgments of the federal criminal justice authorities as envisaged by the OAG is to be welcomed. This will enable further efficiency gains to be achieved. The OAG should take advantage of the reorganisation to clarify roles and standardise sequestration management. The UV Section has taken steps to minimise its involvement in the exchange of information with the Federal Office of Justice (FOJ) regarding the sharing of assets.

In recent years, the OAG has observed a sharp increase in the financial volume of compensatory claims to be enforced. The UV Section initiates proceedings with the cantonal debt enforcement authorities to recover all or some of these amounts. The claims can amount to several hundred million francs, as shown by a case presented in the report. At the end of 2024, the OAG decided to redefine the roles of the UV Section and public prosecutors in a bid to improve the efficiency of recovery procedures both in Switzerland and abroad.