

Swiss Criminal Code with reference to Art. 416 bis ITALIAN ANTIMAFIA LEGISLATION CRIMINAL CODE

Art. 260 Ter Any person who:

- a) participates in an organisation which pursues the objective of:
- committing violent felonies or securing a financial gain by criminal means, or
- committing violent felonies aimed at intimidating the population or coercing a State or an international organisation to act or refrain from acting; or who
- b) supports such an organisation in its activities.
- shall be liable to a custodial sentence not exceeding ten years or to a monetary penalty.

Par. 1 b does not apply to humanitarian services provided by an impartial humanitarian organisation, such as the International Committee of the Red Cross, in accordance with the common Article 3 of the Geneva Conventions of 12 August 1949343. If the offender exercises a decisive influence within the organisation, a custodial sentence of not less than three years shall be imposed. The court has the discretion to mitigate the penalty imposed (Art. 48a) if the offender makes an effort to foil the activities of the organisation. The foregoing penalties also apply to any person who commits the offence outside Switzerland provided the organisation carries out or intends to carry out its criminal activities wholly or partly in Switzerland. Art. 7 par. 4 and 5 applies.

Swiss Criminal Code with reference to Art. 416 ter ITALIAN ANTIMAFIA LEGISLATION CRIMINAL CODE No relative Swiss legislation.

With reference to Law 175/2010 BAN ON CARRYING OUT ELECTORAL PROPAGANDA FOR PERSONS SUBJECT TO PREVENTIVE MEASURES

No relative Swiss legislation.

With reference to Law 575/1965 ANTI-MAFIA LEGISLATION PERSONAL PREVENTION MEASURES No relative Swiss legislation.

With reference to Art. 6 of Legisl. Decree 159/2011 SPECIAL PUBLIC SECURITY SURVEILLANCE No relative Swiss legislation.

With reference to Art. 6, par. 2 of Legisl. Decree 159/2011 SPECIAL PS SURVEILLANCE WITH PROHIBITION OF RESIDENCE No relative Swiss legislation.

With reference to Art. 6 par. 3 of Legisl. Decree 159/2011 SPECIAL PS SURVEILLANCE WITH OBLIGATION TO STAY No relative Swiss legislation.

Proceeds of Crime Act with reference to Art. 16 Legisl. Decree 159/2011ANTI-MAFIA LEGISLATION ASSET-RELATED PREVENTIVE MEASURES ENTITIES SUBJECT TO THE LAW

UN-sanctions are implemented by Switzerland on an ad-hoc national basis by ordinance of the Federal Council.

With reference to Art. 18 Legisl. Decree 159/2011 DECEASED PERSON No relative Swiss legislation.

With reference to Art. 20, Legisl. Decree 159/2011 SEIZURE No relative Swiss legislation.

Swiss Criminal Code with reference to Legisl. Decree 159/2011 CONFISCATION

Forfeiture of assets of a criminal or terrorist organisation Art. 70 The court shall order the forfeiture of assets that have been acquired through the commission of an offence or that are intended to be used in the commission of an offence or as payment therefor, unless the assets are passed on to the person harmed for the purpose of restoring the prior lawful position. Forfeiture is not permitted if a third party has acquired the assets in ignorance of the grounds for forfeiture, provided he has paid a consideration of equal value therefor or forfeiture would cause him to endure disproportionate hardship. The right to order forfeiture is limited to seven years; if, however, the prosecution of the offence is subject to a longer limitation period, this period also applies to the right to order forfeiture. Official notice must be given of forfeiture. The rights of persons harmed or third parties expire five years after the date on which official notice is given. If the amount of the assets to be forfeited cannot be ascertained, or may be ascertained only by incurring a disproportionate level of trouble and expense, the court may make an estimate.

Art. 72 The court shall order the forfeiture of all assets that are subject to the power of disposal of a criminal or terrorist organisation. In the case of the assets of a person who participates in or supports such an organisation (Art. 260ter), it is presumed that the assets are subject to the power of disposal of the organisation until the contrary is proven.

Art. 72 Swiss Criminal Code with reference to Art. 25, Legisl. Decree 159/2011 SEIZURE AND CONFISCATION OF AN EQUIVALENT VALUE

Art. 72 The court shall order the forfeiture of all assets that are subject to the power of disposal of a criminal or terrorist organisation. In the case of the assets of a person who participates in or supports such an organisation (Art. 260ter), it is presumed that the assets are subject to the power of disposal of the organisation until the contrary is proven.

Confiscation order Enforcement with reference to Art. 110, Legisl. Decree 159/2011 AGENCY FOR ASSETS SEIZED AND CONFISCATED ANTIMAFIA LAWS

No relative Swiss legislation.

With reference to Decree-Law 8/1991 converted into Law 82/1991 KIDNAPPINGS FOR THE PURPOSE OF EXTORTION AND PROTECTION OF WITNESSES OF JUSTICE

No relative Swiss legislation.

With reference to Art. 143 TUEL Consolidated Law for Local Authorities DISSOLUTION OF MUNICIPAL COUNCILS FOR MAFIA INFILTRATION

No relative Swiss legislation.

Federal Act on the Federal Central Criminal Police Offices and Joint Police and Customs Cooperation Centers with Other States of 7 Oct. 1994 With reference to Art. 84, Legisl. Decree 159/2011 COMMUNICATION AND INFORMATION OF THE ANTI-MAFIA DOCUMENTATION

Art. 8 Information obligations The federal and cantonal prosecution authorities shall submit to the Central Office any reports that indicate the existence of an organization within the meaning of Article 260ter number 1 paragraph 1 of the Criminal Code or an offence described in Article 24 of the Code of Criminal Procedure in which the Attorney General may open preliminary proceedings. In particular, they shall report specific grounds for suspicion and the opening and closing of preliminary proceedings in which there is a suspicion of involvement by criminal organizations or the existence of an offence described in Article 340bis of the Criminal Code in which the Attorney General may open preliminary proceedings. The Central Office shall inform the federal and cantonal prosecution authorities of all matters relating to the reported proceedings.

PROVISIONS OF THE CRIMINAL CODE NOT INCLUDED IN THE ITALIAN CRIMINAL CODE - N/A