

**Arrangement
between the Federal Department of Justice and Police of the
Swiss Confederation and the Department of Justice of the United
States of America**

**acting for the Competent Law Enforcement Authorities of the Swiss
Confederation and of the United States of America**

**on the creation of joint investigation teams
concerning the fight against terrorism and the financing of terrorism**

Desiring to complement and strengthen law enforcement regarding the fight against terrorism and the financing of terrorism, the Office of the Attorney General of Switzerland and the Attorney General of the United States of America may establish joint investigation teams in accordance with the framework as set forth herein:

Section 1 - Scope of application and respect of national laws

Article 1 Scope, criminal investigations and prosecutions

1. This arrangement concerns the exchange of agents and officers (hereinafter, "officers") of the Competent Law Enforcement Authorities of Switzerland and the United States of America and their employment in joint investigation teams connected to criminal investigations and/or prosecutions concerning the fight against terrorism and the financing of terrorism pending in both countries.
2. The creation and designation of specific joint investigation teams shall be by mutual determination between the Office of the Attorney General of Switzerland and the Office of the Attorney General of the United States of America.

Article 2 Respect of national laws

The joint investigation teams carry out their duties in accordance with the domestic law of the host country. Officers assigned to the joint investigation teams have access to all information necessary to perform their tasks, to the extent permitted by the applicable laws of the host country and their security clearance status.

Section 2 - Exchange of officers and cooperation

Article 3 Delegation of American officers to joint investigation teams

1. Upon the establishment of the joint investigation team to operate in Switzerland, the Departments of Justice (DOJ) and Homeland Security (DHS) shall detail one or more officers, drawn from the Federal Bureau of Investigation (FBI) and/or Immigration and Customs Enforcement (ICE), to that joint investigation team in Switzerland. During the period of their detail, said officer's or officers' work within the joint investigation team shall pertain solely to criminal investigations and/or prosecutions within the scope of that team's authority.
2. Officers assigned to the Offices of the FBI Legal Attaché and the ICE Attaché responsible for Switzerland, as well as others assigned to their offices, with the approval of the Head of the Swiss investigation team, shall be fully accredited members of all joint investigation teams acting within the scope of this arrangement in Switzerland, in addition to their normal responsibilities and duties.
3. Communications by officers of the FBI and/or ICE with authorities in the United States regarding the work of the joint investigation team shall be coordinated by said FBI Legal Attaché and ICE Attaché, who shall consult with the Head of the Swiss joint investigation team. Such communications are subject to reservations set forth in Section 3 below.

Article 4 Delegation of Swiss officers to joint investigation teams

1. Upon the establishment of the joint investigation team in the United States of America, the Office of the Attorney General of Switzerland, in cooperation with the Federal Office of Police, shall detail one or more officers of the Division of Terrorist Financing Investigation of the Federal Criminal Police to that joint investigation team in the United States of America. During the period of their detail, said officer's or officers' work within the joint investigation team shall pertain solely to criminal investigations and/or prosecutions within the scope of that team's authority.
2. Officers assigned to the Swiss Liaison Officer's Office in Washington D.C., as well as others designed to their offices, with the approval of the Head of the U.S. joint investigation team, shall be fully accredited members of all joint investigation teams in the United States acting within the scope of this arrangement, in addition to their normal responsibilities and duties.

3. Communications by officers of the Division of Terrorist Financing Investigation of the Federal Criminal Police with authorities in Switzerland regarding the work of the joint investigation team shall be coordinated by said Liaison officer, who shall consult with the Head of the U.S. joint investigation team. Such communications are subject to reservations set forth in Section 3 below.

Article 5 Officers, number and requirements

1. The Competent Law Enforcement Authorities shall communicate to each other the names of the Heads of their joint investigation teams and/or the responsible Head of the pending criminal investigation and/or prosecution, who shall thereafter be free to communicate with each other and who shall keep their respective Attachés and Police Liaison Officer(s) informed of any such communication.
2. The designated officers must meet the following requirements:
 - they are well informed of the appropriate criminal investigations and/or prosecutions in their own countries, insofar as those relate to the host country;
 - they have access to relevant information about criminal investigations and/ or prosecutions in their own country and the competence to share such information;
 - they have appropriate language skills, to the extent possible; and,
 - they have an appropriate security clearance, to the extent that they have access to classified information.
3. The number of designated officers shall depend on the status and needs of the pending criminal investigations and/or prosecutions and shall be fixed by mutual agreement between the Office of the Attorney General of Switzerland and the Office of the Attorney General of the United States, following consultation between the Heads of the respective joint investigation teams.

Article 6. Mission of officers within joint investigation teams

1. Except as limited by domestic law or as otherwise set forth herein, in general, officers from the non-host country participating in joint investigation teams perform the same tasks as officers detailed to the joint investigation teams in the host country. All officers support the analysis of the information gathered in the scope of the designated criminal investigations and/or prosecutions and propose strategies for further investigation.
2. Participation in the interrogation of witnesses and suspects, as well as participation in other investigation activities requiring compulsory measures, is subject to prior approval by the responsible Heads of the respective criminal investigation and/or prosecution.

3. Officers of the non-host country participating in joint investigation teams shall not carry firearms in the host country.
4. Queries to official automated data systems or archives are made exclusively by a member of the joint investigation team of the host country. Authority to release information obtained as a result of such queries to non-host country officers shall rest with the Head of the joint investigation team or his deputy.
5. The designated officers' access to official buildings and offices is subject to authorization of the Head of the joint investigation team and is to be in compliance with any internal rules and regulations governing such areas.

Article 7 Costs

Each country bears the costs of detailing its designated officers to the other country.

Section 3 - Organization and information in the field of legal assistance and police cooperation

Article 8 Restrictions on use of information

1. Unless otherwise approved by the Office of the Attorney General of the host country, all information obtained within the scope of the joint investigation team shall be used exclusively:
 - a. in the criminal investigations and/or prosecutions to which the joint investigation team was assigned; or
 - b. for criminal investigations and/or prosecutions involving other persons suspected of having participated in or having promoted the crime giving rise to the creation of the joint investigation team in any other way.
2. Notwithstanding the provisions set forth in paragraph 1. above, all information within the scope of this arrangement that has been obtained through coercive measures and/or concerns a person's privacy may only be used in judicial proceedings subject to the provisions of the Treaty on Legal Assistance between the United States of America and the Swiss Confederation on Mutual Assistance in Criminal Matters of 25 May 1973, which governs formal legal assistance.
3. The Competent Law Enforcement Authority of each country will, upon demand, apprise its counterpart on the use of all data and information obtained within the scope of this arrangement.

Article 9 Information in case of substantive police actions

The Office of the Attorney General of Switzerland and the Office of the Attorney General of the United States of America shall make best efforts to consult or apprise the other country, through its responsible Head of the pending criminal investigation and/or prosecution, of any impending police action that might affect the ongoing criminal investigations and/or prosecutions of the joint investigation teams.

Section 4 - Notification

Article 10 Notification

The Embassy of the non-host country of the joint investigation team is to notify the Department of Foreign Affairs or the Department of State in the host country of the identity of members of the joint investigation team, of their arrival, and of their final departure from the host country.

Section 5 - Final clauses

Article 11 Consultations

As appropriate, the Office of the Attorney General of Switzerland and the Office of the Attorney General of the United States of America shall consult as to the application of this arrangement.

Article 12 Commencement

This arrangement takes effect on the first day of the month following the date on which the signatories communicate to each other the fulfillment of the national procedures for commencement. At such time, this arrangement supersedes the Operative Working Arrangement signed 4 September 2002.

Article 13 Termination of the arrangement

1. Each signatory may terminate this arrangement by written communication to the other signatory. Each signatory's termination will be valid for the parties to this arrangement.
2. Termination becomes effective on the first day of the second month following receipt of the communication.

Article 14 Applicable Law

This Arrangement is subject to the applicable domestic laws of the United States of America and the Swiss Confederation.

Signed at Washington D.C. on 12th July 2006, in duplicate in the English and German language, whereby both texts are equally valid.

For the Swiss Federal Council

For the United States Department of
Justice

Christoph Blocher
Federal Counsellor
Federal Department of Justice and Police

Alberto Gonzales
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