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Summary of the interview with Mr Bertossa, former procurator of the Canton of Geneva from 1990 to 2002

Radio Télévision Suisse Romande (radio and television network for the French-speaking part of Switzerland), 10 June 2013

To the question from the journalist : « is the urgent measure proposed by the Federal Council to settle our differences with the USA justified ... ? » Mr Bertossa adopts the following position :

Mr Bertossa : It is necessary first of all to remember that what is being discussed in Parliament is not an agreement with the USA, but an amendment to Swiss law that would allow those banks which have violated American law to come to an agreement with the American authorities. The point therefore in question here is one of adapting, in this particular case, Swiss law to the demands of American law.

The journalist : Should this be done ?

Mr Bertossa : Personally I think not, because if the banks have committed reprehensible acts to the United States, it is perfectly logical that they respond on this matter before the American authorities and according to American law. It would not seem right to me that the Swiss have to amend their own internal law, in order to allow these banks to facilitate their escape from an impasse into which they put themselves.

The journalist : what would you say is the risk of accepting that the Swiss banks have committed irregularities in accordance with American law, if one accepts the deal that is being sold to us by the Federal Council and Mrs Widmer Schlumpf ?

Mr Bertossa : One risks reducing the credibility of Swiss law in the eyes of the Swiss. And one risks creating a precedent which consists of saying : in one particular case, taking into account acts for which we have been reproached abroad, it is necessary to amend our internal law, so that we are able to defend ourselves. It would appear dangerous to me to create such a precedent.