



December 23, 2010

Swiss Judge Recommends Charges against the Tinnners

On December 23, Swiss magistrate judge Andreas Mueller [announced](#) at a press conference his finding that the three Tinnners (father Friedrich, and sons Urs and Marco) should face charges for proliferation crimes committed while they worked for the A.Q. Khan network. The announcement was the result of a three-year inquiry by Mueller into the Tinnners' alleged proliferation activities. In an [interview with The New York Times](#), Judge Mueller said he recommended charges against the Tinnners for violating Swiss laws against the use of war materiel, "specifically in supporting the development of nuclear weapons."

Swiss federal prosecutors have said that the Tinnners should be brought to justice regardless of any alleged assistance to the U.S. Central Intelligence Agency (CIA) in busting the Khan network. They are suspected of providing major support to Libya's nuclear weapons program. The prosecutors believe that "this assistance [to the CIA] was probably forced, and Swiss courts are the rightful place to determine their guilt or innocence and decide on any extenuating circumstances," as ISIS noted in a [recent report](#) on the Tinner affair.

ISIS recommends that instead of continuing to resist providing assistance to the prosecution of the Tinnners, the U.S. government should cooperate with the prosecutors. In particular, it should recommend that the Tinnners seek a settlement whereby they would plead guilty to charges and serve no additional jail time and receive minimal or no fines. Given the complexity and controversy of this case, Swiss prosecutors and the court would likely be interested in such an arrangement. It could finally bring the Tinner case to a close in a way that would satisfy all parties.

A Major Legal Controversy

The Tinnners have sought to avoid charges in a defense that has two pillars. They claim that they should receive special consideration because they helped to shut down the Khan network as CIA informants. As a second pillar, they claim they did not know the goods they exported to Pakistan and other countries involved with the Khan network, such as Iran and Libya, were for use in covert nuclear programs and nuclear weapons efforts. Mueller noted that that defense became null once Pakistan exploded an atomic bomb in 1998.

The Tinner affair has been highly controversial in Switzerland, given the involvement of the Bush administration in pressuring the Swiss executive branch to avoid prosecuting CIA agents and informants. The case has pitted the Swiss Parliament, federal prosecutors, and the judiciary against the Swiss executive branch, specifically the Swiss Federal Council, which was harshly criticized for destroying evidence in the case and blocking prosecution efforts. Judge Mueller said that the incident was "...The first time that the executive had interfered that hard with justice." He added, "The separation of powers was overrun."

Mueller's 174-page confidential report is now under review by Swiss federal prosecutors. He stated, "I would appreciate it if the attorney general would go to court with the case." "With all that's happened, with the destruction of files and all, we need to see if the whole procedure still withstands the rule of law. I think that's a very big question mark." The review of Mueller's findings by federal prosecutors is expected to take until mid-2011.

Read ISIS's review of the Tinner affair and a preliminary assessment of their cooperation with the CIA here:

[**The Tinner Case: Time for a Frank, Open Evaluation**](#)

[**CIA Recruitment of the Three Tinnings: A Preliminary Assessment**](#)

Read more about the Tinnings' alleged support to Libya's nuclear weapons program here:

[**ISIS Special Report: Libya: A Major Sale at Last**](#)