



CH-3003 Berne, FDFA

A Mail

Lebanese-Swiss Association – LSA
c/o Mr. Wadih Assaf
Im oberen Gern 40
8409 Winterthur

OPEN

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Berne, 12 March 2020

Your request to the Swiss Federal Council dated 24 February 2020

Dear Sir or Madam,

Thank you for the letter dated 24 February 2020, which has been sent to the Swiss Federal Council and to various Swiss Embassies abroad.

The Swiss authorities understand the concerns of the Lebanese people about the allegations that illicitly acquired funds might have been transferred from Lebanon to Switzerland.

Switzerland has an established policy on freezing, confiscating and returning illicitly acquired assets through mutual legal assistance. Switzerland can act on the basis of a respective request for mutual legal assistance if the necessary prerequisites are given. In particular, it is vital that the Lebanese authorities provide concrete indications to the Swiss authorities relating to the presumed unlawful origin of assets and indicate where these assets have been deposited in Switzerland.

In January 2020, Switzerland received a request for mutual legal assistance issued by the Lebanese authorities. The Swiss Federal Office of Justice examined this request, and found that in order to be able to respond favorably, Swiss authorities need to obtain additional information. Therefore, the Federal Office of Justice sent a letter to the Lebanese authorities, asking them to provide complementary information. On a general note, the Swiss authorities are committed to supporting the Lebanese authorities within the framework of the applicable law on mutual legal assistance in criminal matters.

In your letter dated 24 February 2020, you request the Swiss Federal Council to freeze alleged bank accounts of Lebanese politically exposed persons in Switzerland based on the Federal Act on the Freezing and the Restitution of Illicit Assets held by Foreign Politically Exposed Persons (Foreign Illicit Assets Act, FIAA). The FIAA contains extraordinary measures for extraordinary circumstances. These measures aim at supporting or complementing judicial cooperation in very specific situations. On the basis of Art. 3 of the FIAA, the Swiss Government may order the freezing of assets, if four conditions are cumulatively met:

- 1) the government in the country of origin has lost power;
- 2) the degree of corruption in the country of origin is notoriously high;
- 3) it appears likely that the assets were acquired through acts of corruption or other felonies;
- 4) the safeguarding of Switzerland's interests requires the freezing of the assets.

After careful examination of the situation in Lebanon, we consider that these conditions are not cumulatively fulfilled. In particular, we take note of the fact that the population is still demonstrating and calling for a real change. In other words, the asset freeze under the FIAA is not a tool to impose change in other countries.

As to the freeze for purposes of confiscation in the event mutual legal assistance proceedings fail (Art. 4 FIAA), the FIAA provides for restrictive conditions, which only apply in exceptional circumstances. These restrictive conditions are clearly not fulfilled in the case of Lebanon.

The Swiss authorities will continue to follow closely and with attention the developments in Lebanon.

Best regards,

Directorate of International Law DIL



Corinne Cicéron Bühler
Director