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A-Mail

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OPEN

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Berne, 9 September 2020

Your request for clarification dated 27 June 2020

Dear Mr. Assaf

Let me first express my deepest sympathy to the Lebanese people and to the victims of the terrible explosion that happened on 4 August 2020. In response to an international appeal for help from the Lebanese authorities, Switzerland deployed a team of Swiss specialists including civil engineers and logistics experts to Beirut on 6 August 2020 to provide emergency assistance. A total of 38 experts from the Swiss Humanitarian Aid Unit and 1.5 tons of medical supplies were sent to Beirut to provide assistance with healthcare for mothers and their children. In addition, the experts helped rebuild 19 schools, which were heavily damaged by the explosion. Switzerland released CHF 6 million in relief aid allocated to the city's schools and health facilities as well as to the Lebanese Red Cross and the International Federation of Red Cross and Red Crescent Societies (IFRC). Our thoughts are with you and the Lebanese people. With the aforementioned technical support we hope to help mitigating the consequences of this terrible event.

I would like to thank you for your letter, dated 27 June 2020, requesting further clarification regarding the letter of the Directorate of International Law, dated 12 March 2020.

As mentioned in our previous letter, dated 12 March 2020, Switzerland received a request for mutual legal assistance from the Lebanese authorities in January 2020. Upon examination of this request, the Federal Office of Justice as the competent authority concluded that additional information is required in order to determine whether mutual legal assistance can be provided. It therefore sent a letter to the Lebanese authorities asking them to provide the necessary complementary information and is waiting for their reply.

In accordance with the Mutual Legal Assistance Act (IMAC), requests for mutual assistance in criminal matters addressed to Switzerland must in particular contain a statement of the facts, which must mention the date, place and the manner in which the offences were committed (modus operandi), as well as the persons involved and their role in the case. The link between the measures requested in Switzerland and the offences under investigation abroad must be clearly presented. For example, when an investigation concerns a bank account, the statement of facts must make it possible to establish the illicit origin

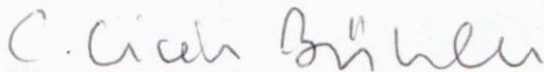
of the transactions or funds involved. The information provided must also be sufficient to identify the banking institutions concerned.

Regarding the freeze for purposes of confiscation in the event that mutual legal assistance proceedings fail (Art. 4 of the Federal Act on the Freezing and the Restitution of Illicit Assets held by Foreign Politically Exposed Persons, FIAA), as explained in our letter dated 12 March 2020, the FIAA provides for restrictive conditions, which are not met in the case of Lebanon. As mentioned above, a mutual legal assistance proceeding is pending and the Swiss authorities are committed to supporting the Lebanese authorities within the applicable law on mutual legal assistance in criminal matters.

Working with Lebanese civil society organizations to promote good governance and an independent judiciary has been one of the key priorities of the Swiss government's engagement in Lebanon for the last years and will continue to be. Switzerland is convinced that a strong civil society is central for the well-functioning of a democracy. In this regard, we commend the efforts of the Lebanese civil society in fighting corruption and contributing to rule of law. Switzerland continues to observe the developments in Lebanon closely.

Best regards,

Directorate of International Law DIL



Corinne Cicéron Bühler
Director