

Muammar el-Qaddafi (and related entities and individuals) (Switzerland)

Case ID:

ARW-135

Jurisdiction of Origin of Public Official or Entity Allegedly Involved:

Libya

Position of Public Official(s) (yrs in office):

President (1969-2011)

Jurisdiction of Asset Recovery:

Switzerland

Jurisdiction of Asset Recovery ? Description:

Undertaking Recovery Effort, Location of Recovery Effort, Asset Location / Alleged Asset Location

Asset Recovery Start:

2011

Asset Recovery End:

Ongoing

UNCAC Offenses Implicated:

Art.20

Money laundering Implicated:

No

Legal Basis for Asset Recovery:

Case in Investigatory/Asset Restraint Stage

Intl.Cooperation: MLAT/Letter of Request?:

Unknown

Basis for Intl Cooperation:

Unspecified

Contributing Factors in Asset Recovery:

Ongoing Case

Status of Asset Recovery :

Ongoing

Stage in Asset Recovery Chain:

Investigation/Asset Tracing/Asset Restraint

Agreement for Returned Assets:

Ongoing

Agreement for Returned Assets - Description:

N/A

Case Summary:

According to the Swiss Federal Department on Foreign Affairs, "On February 21, the Federal Council decided with immediate effect to block any assets in Switzerland of Moammar Gaddafi and those who are closely associated to him. The Ordinance was established on the basis of Article 184, par. 3 of the Swiss Constitution. On March 30, the Federal Council adopted a new ordinance to replace that which had been issued on 21 February. Emerging against the backdrop of the implementation of the financial sanctions decided by the UN Security Council with regard to Libya, this new ordinance is no longer based on Article 184,

para. 3 of the Swiss Constitution, but rather on Art. 2 of the 22 March 2002 Federal Act on the Implementation of International Sanctions (Embargo Act)." (Source: Swiss Federal Department of Foreign Affairs, "Freeze on assets," last modification July 14, 2011, accessed at <http://www.eda.admin.ch/eda/en/home/topics/finec/intcr/poexp/sperr.html> - which provides links to relevant Swiss government media releases and ordinances.) On May 2, 2011, the Washington Post reported that "Financial regulators in Switzerland had identified in Swiss banks assets worth almost \$416 million that may belong to the embattled Libyan leader or the government [] The announcement was made by Swiss President and Foreign Minister Micheline Calmy-Rey at a diplomatic meeting in the Tunisian capital Tunis and confirmed for the Washington Post by a Swiss foreign ministry spokesman." (Source: James V. Grimaldi, "Gaddafi, other leaders had almost \$1 billion in Swiss banks," Washington Post, May 6, 2011.)

Disposition of Criminal Case(s):

Mr. Qaddafi passed away on October 20, 2011 (Source: New York Times, "Muammar el Qaddafi"); as of October 31, 2011 cases in investigatory stage as to other individuals and entities.

Jurisdiction of Asset Recovery: Investigative Agency:

Unknown

Documents:

Qaddafi_Switzerland_Federal_Dept_Foreign_Affairs_Asset_Freeze_Jul_2011.pdf

Qaddafi_Switzerland_Asset_Located_WashPost_May_2_2011.pdf

Qaddafi_NYT_Topic_Update_Oct_25_2011.pdf

Other Sources:

Swiss Federal Department of Foreign Affairs, "Freeze on assets," last modification July 14, 2011, accessed at <http://www.eda.admin.ch/eda/en/home/topics/finec/intcr/poexp/sperr.html> (provides links to relevant Swiss government media releases and ordinances); State Secretariat for Economic Affairs, Measures against Libya, at <http://www.seco.admin.ch/themen/00513/00620/00622/04634/index.html?lang=fr> New York Times, "Muammar el-Qaddafi," accessed on October 31, 2011 at http://topics.nytimes.com/top/reference/timestopics/people/q/muammar_el_... James V. Grimaldi, "Gaddafi, other leaders had almost \$1 billion in Swiss banks," Washington Post, May 2, 2011, accessed at <http://www.washingtonpost.com/world/middle-east/gaddafi-other-leaders-ha...>