

Angolagate

Case ID:

ARW-16

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

Unspecified

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:

2000

Asset Recovery End:

2012

UNCAC Offenses Implicated:

Art.16

Art.23

Money laundering Implicated:

Yes

Legal Basis for Asset Recovery:

Other

Intl.Cooperation: MLAT/Letter of Request?:

Unknown

Basis for Intl Cooperation:

Unknown

Contributing Factors in Asset Recovery:

A monitoring solution for repatriated assets, involving Swiss bilateral aid channels was agreed upon with the administrative costs and fiduciary responsibilities borne by the Swiss Agency for Development and Cooperation (SDC) and implementation unit comprised of SDC and Angolan representatives (Source: Ann Lugon-Moulin, "Asset Recovery: Concrete Challenges for Development Assistance," in Mark Pieth, ed., Recovering Stolen Assets (Peter Lang, 2008).

Status of Asset Recovery :

Completed

Stage in Asset Recovery Chain:

Assets Returned to Victim or Requesting Jurisdiction

Assets Returned (USD) - Description:

\$64,000,000

Agreement for Returned Assets:

Yes

Agreement for Returned Assets - Description:

Agreement between Angola and Switzerland for returned funds to be allocated to humanitarian projects in Angola; eligible projects include reconstruction, health and sanitation units, improvement of public utilities and assistance to displaced populations. Monitoring to be undertaken by the Swiss Development and Co-operation Agency (which is part of the

Swiss Ministry of Foreign Affairs). (Source: Paul Gully-Hart, "International asset recovery of corruption-related assets: Switzerland," in Mark Pieth, ed., *Recovering Stolen Assets* (2008). SHP Programme website, www.psh-angola.net - projects to date: \$4.2 million for vocational training in two provinces and mine clearance project.)

Case Summary:

On December 17, 2012, the Swiss Federal Department of Foreign Affairs announced that Switzerland and Angola signed an agreement, whereby Switzerland will return \$43 million (SFr39.5 million) in frozen assets to Angola. According to the press release from the Swiss Agency for Development and Cooperation, the backdrop to the restitution are judicial proceedings of the Geneva judicial authorities regarding alleged money laundering, which at the end of 2008 led to the confiscation of the assets now to be restituted. The money will be used to fund development projects that directly benefit the population of Angola. (Source: Swiss Agency for Development and Cooperation Press Release, December 17, 2012.) According to the terms of the agreement, Switzerland and Angola will implement the agreement jointly. The Swiss Agency for Development and Cooperation (SDC) will be responsible for its implementation on behalf of Switzerland, and the funds will benefit similar purposes as the first asset return. (Source: Greta Fenner Zinkernagel and Kodjo Attisso, *International Centre for Asset Recovery, ?Returning Stolen Assets - Learning from past practice: Selected case studies? [2013]*).

In 2005, Switzerland and Angola signed an agreement to return \$21 million to Angola. The funds were allocated to humanitarian projects in Angola, and monitored by the Swiss Development and Co-operation Agency (which is part of the Swiss Ministry of Foreign Affairs). Eligible projects include reconstruction, health and sanitation units, improvement of public utilities and assistance to displaced populations. (Source: Paul Gully Hart, "International asset recovery of corruption-related assets: Switzerland," in Mark Pieth ed., *Recovering Stolen Assets* (2008). According to the Social and Humanitarian Programme's website, \$4.2 million had been allocated for vocational training in two provinces and other (unspecified) sums for a mine clearance project and agricultural development. (Source: SHP Programme, "The reached results so far," accessed at <http://www.psh-angola.net/en/Home/Projects>.) Please see also, Swiss Federal Department of Foreign Affairs, "Angolan-Swiss Socio-humanitarian Programme (SHP): Priorities," at http://www.ddc.admin.ch/en/Home/Countries/Eastern_and_Central_Africa/Ang...

Disposition of Criminal Case(s):

According to the press release by the Swiss Agency for Development and Cooperation, unspecified "criminal proceedings initiated by the Geneva judicial authorities were done so in connection with the restructuring of the Angolan debt to the Russian Federation.": (Source: Swiss Agency for Development and Cooperation, "Switzerland and Angola sign agreement on the return of Angolan funds currently blocked in Switzerland to benefit humanitarian projects," November 1, 2005, accessed at http://www.deza.admin.ch/en/Home/News/Close_up?itemID=21008.)

Jurisdiction of Asset Recovery: Investigative Agency:

Geneva Judicial Authorities

Jurisdiction of Asset Recovery: Prosecuting Authority/Civil Attorney(s):

Geneva Judicial Authorities

Jurisdiction of Asset Recovery: Courts Involved:

Geneva Judicial Authorities




Documents:

Angolagate_France_Three_Acquitted_Associated_Press_Apr_29_2011.pdf

Angolagate_Switzerland_Dictators_Assets_Mar_11_2011.pdf

Angolagate_Switzerland_PSH_Angola_Projects_to_Date.pdf
Angolagate_US_Senate_Foreign_Corruption_Report_Feb_2010.pdf

Documents:

Attachment	Size
 Angolagate_Swiss_Development_Agency_Press_Release_Nov_2005.pdf	80.04 KB
 Angolagate_Swiss_Asset_Return_PR_Dec_17_2012.pdf	119.9 KB
 Angolagate_Swiss_ICAR_Case_Study_2013.pdf	110.52 KB

Documents Links:

Other Sources:

Switzerland website at www.psh-angola.net (last accessed November 10, 2013); Switzerland Federal Department of Foreign Affairs, "Dictators' assets (Potentate funds)," October 4, 2010, accessed at <http://www.eda.admin.ch/eda/en/home/topics/finec/intcr/poexp.html>; Paul Gully-Hart, "International asset recovery of corruption-related assets: Switzerland," and Ann Lugon-Moulin, "Asset Recovery: Concrete Challenges for Development Assistance," in Mark Pieth, ed., *Recovering Stolen Assets* (Peter Lang, 2008). See also Swiss Agency for Development and Cooperation, "Switzerland and Angola sign agreement on the return of Angolan funds currently blocked in Switzerland to benefit humanitarian projects," November 1, 2005, accessed at http://www.deza.admin.ch/en/Home/News/Close_up?itemID=21008. Swiss Agency for Development and Cooperation Press Release, December 17, 2012, accessed at http://www.deza.admin.ch/en/Home/News/Close_up?itemID=217972; Gretta Fenner Zinkernagel and Kodjo Attisso, International Centre for Asset Recovery, "Returning Stolen Assets - Learning from past practice: Selected case studies," at http://www.baselgovernance.org/fileadmin/docs/pdfs/Events/131024_Selecte...