

## Hosni Mubarak (Switzerland)

**Case ID:**

ARW-79

**Jurisdiction of Origin of Public Official or Entity Allegedly Involved:**

Egypt

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

President (1981-2011)

**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.17

**Money laundering Implicated:**

No

**Legal Basis for Asset Recovery:**

Case in Investigatory/Asset Restraint Stage

**Intl.Cooperation: MLAT/Letter of Request?:**

MLAT

**Basis for Intl Cooperation:**

Mutual Legal Assistance Treaty

**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:**

NA

**Case Summary:**

In the November 2014 speech by the President of the Swiss Confederation to the Arab Forum on Asset Recovery (AFAR III), Mr. Didier Burkhalter stated that, "Our aim is therefore to verify the origin of the USD 650 million frozen in the Egyptian context [ ] in order to be able to return them should their illicit origin be established." (Source: "Progress and challenges of asset recovery: a shared effort and responsibility," November 1, 2014, at <https://www.news.admin.ch/message/index.html?lang=en&msg-id=55048>)

In January 2014, the Swiss Office of the Attorney General announced that it would seek

Egypt's assistance, stating: "During the past couple of months, the Office of the Attorney General has thoroughly analysed the case of Egypt and reviewed it in depth. Priority has been accorded to establishing the facts, the relationships between the persons under investigation - all Egyptian nationals associated with former president Mubarak - and to analysing bank accounts and flows of financial assets.

What is decisive in Switzerland's criminal investigation, as in all cases of money laundering, is the question of whether the predicate offences can be shown to have been committed outside of Switzerland. The cooperation of the Egyptian judicial authorities is vital since the alleged criminal acts or predicate offences to money laundering took place almost exclusively in Egypt. Consequently, the Office of the Attorney General will be contacting the competent Egyptian authorities in the next couple of days and actively requesting legal assistance as provided for under the Swiss Act on Mutual Assistance in Criminal Matters (IMAC) and the Swiss Criminal Procedure Code (CrimPC)." (Source: Swiss Office of Attorney General, "Arab Spring: Swiss Attorney General to request legal assistance from Egypt," January 31, 2014.)

According to the May 11, 2011 statement by the Swiss Federal Department of Foreign Affairs, CHF 410 million (US\$428,373,000) in assets held by Egyptian individuals belonging to the former Mubarak government had been frozen in Switzerland. The statement noted: "The freezing of these assets does not demonstrate their legal or illegal origin. Thus, it is now up to the Egyptian judicial authorities to determine, through criminal proceedings, whether these assets were illicitly acquired. Switzerland hopes to be able to quickly return to the Egyptian people all frozen assets whose origin is proved by the Egyptian authorities to be illegal. It is ready to cooperate with the Egyptian authorities on international mutual legal assistance." (Source: Swiss Federal Department of Foreign Affairs, "Swiss delegation of experts in Cairo," May 11, 2011.) On February 11, 2011, the Swiss Government announced that it had passed a special ordinance blocking any assets in Switzerland of the former President Mubarak and parties close to him. The special ordinance (revised February 16) remains valid for three years. (Source: Federal Department of Foreign Affairs Media Release, "Federal Council orders freezing of any assets of Egypt's former President Hosni Mubarak in Switzerland," February 11, 2011, provides links to the special ordinances.) According to the Swiss Federal Department of Foreign Affairs, "The ordinance on freezing assets, which was originally limited to three years, was extended at the beginning of 2014 for a further three years to allow more time for criminal investigations in Egypt into the origins of the funds." (Source: "Freezing of assets," at <https://www.eda.admin.ch/eda/en/fdfa/foreign-policy/financial-centre-eco...>)

### **Disposition of Criminal Case(s):**

According to the New York Times and other sources, in May 2014, Mr. Mubarak was convicted on charge of embezzlement and sentenced to three years' imprisonment. (Source: David Kirkpatrick, "Mubarak Gets 3 Years for Embezzlement, and His Sons Get 4," New York Times, May 21, 2014.)

### **Jurisdiction of Origin: Investigative Agency:**

Prosecutor-General's Office

### **Jurisdiction of Origin: Prosecuting Authority/Civil Attorney(s):**

Prosecutor-General's Office

### **Jurisdiction of Origin: Courts Involved:**

Cairo Appeals Court

### **Jurisdiction of Asset Recovery: Investigative Agency:**

Unknown

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

Federal Prosecutors Office; Office of Attorney General

### **Jurisdiction of Asset Recovery: Courts Involved:**

Unspecified

### **Documents:**

Mubarak\_Switzerland\_Ordinance\_Annex\_final.pdf

Mubarak\_Swiss\_Admin\_PR\_Feb\_11\_2011.pdf

Mubarak\_Swiss\_Asset\_Frozen\_Amount\_Washingtonpost\_May\_2\_2011.pdf





Mubarak\_Switzerland\_Funds\_Located\_NYT\_Feb\_18\_2011.pdf

Mubarak\_Switzerland\_Ordinance\_Feb\_16\_2011\_Amendment.pdf

Mubarak\_Switzerland\_Ordinance\_vom2\_Feb\_11\_2011.pdf

Mubarak\_Trial\_Postponed\_to\_December\_BBC\_Oct\_30\_2011

### **Documents:**

<b>Attachment</b>	<b>Size</b>
 Mubarak_Swiss_OAG_Release_Jan_31_2014.pdf	112.51 KB
 Mubarak_Embezzlement_Verdict_NYTimes_May_21_2014.pdf	133.37 KB
 Mubarak_Swiss_Ordinance_Extend_2014.pdf	129.98 KB
 Mubarak_Swiss_Pres_AFARIII_Speech_Nov_2014.pdf	151.63 KB

### **Documents Links:**

#### **Other Sources:**

Speech by the President of the Swiss Confederation, Mr. Didier Burkhalter, at the Arab Forum on Asset Recovery (AFAR III), November 1, 2014, "Progress and challenges of asset recovery: a shared effort and responsibility," at <https://www.news.admin.ch/message/index.html?lang=en&msg-id=55048;>

Swiss Office of Attorney General, "Arab Spring: Swiss Attorney General to request legal assistance from Egypt," January 31, 2014, at <https://www.news.admin.ch/message/index.html?lang=en&msg-id=51874;>

Verordnung über Massnahmen gegen gewisse Personen aus der Arabischen Republik Ägypten, vom 2. February 11, 2011 and revised on February 16, 2011, and accessed at official website of the Swiss Federal Confederation government website: <http://www.admin.ch/dokumentation/gesetz/00068/index.html?lang=de&unters...> "Freezing of assets," at <https://www.eda.admin.ch/eda/en/fdfa/foreign-policy/financial-centre-eco...> (last accessed February 6, 2015)

Federal Department of Foreign Affairs Media Release, "Federal Council orders freezing of any assets of Egypt's former President Hosni Mubarak in Switzerland," February 11, 2011.

Swiss Federal Department of Foreign Affairs, "Swiss delegation of experts in Cairo," May 11, 2011, accessed at <http://www.eda.admin.ch/eda/en/home/recent/media/single.html?id=39108>

David Kirkpatrick, "Mubarak Gets 3 Years for Embezzlement, and His Sons Get 4," New York Times, May 21, 2014, at <http://www.nytimes.com/2014/05/22/world/middleeast/hosni-mubarak-trial.html>

Swissinfo.ch, "Federal Court rules in favour of Egypt," May 10, 2012, at [http://www.swissinfo.ch/eng/politics/foreign\\_affairs/Federal\\_Court\\_rules...](http://www.swissinfo.ch/eng/politics/foreign_affairs/Federal_Court_rules...) "Swiss mulls

restitution of Mubarak's funds to Egypt," September 4, 2013, at  
[http://www.swissinfo.ch/eng/politics/Swiss\\_mull\\_restitution\\_of\\_Mubarak\\_f...](http://www.swissinfo.ch/eng/politics/Swiss_mull_restitution_of_Mubarak_f...)