

Viktor Yanukovych / Switzerland

Case ID:

ARW-228

Jurisdiction of Origin of Public Official or Entity Allegedly Involved:

Ukraine

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

President (2010-2014)

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:

2014

Asset Recovery End:

Ongoing

UNCAC Offenses Implicated:

Art.17

Art.19

Art.23

Legal Basis for Asset Recovery:

Swiss Federal Council Ordinance

Intl.Cooperation: MLAT/Letter of Request?:

Unknown

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

Case Summary:

According to the 2014 Annual Report (published May 2015) by the Swiss Office of the Federal Police, US\$175 million in Yanukovych related assets have been frozen in Switzerland. The report indicated that the funds had passed through accounts in numerous jurisdictions, including Cyprus, British Virgin Islands, Austria, Liechtenstein, Great Britain, the Netherlands and Switzerland. (Original text, at pages 28-29: "Les renseignements disponibles indiquent un flux de fonds passant par de nombreux comptes off-shore, notamment à Chypre et dans les Iles Vierges britanniques ainsi qu'en Autriche, au Liechtenstein, en Grande-Bretagne, aux Pays-Bas et en Suisse. Se concertant avec l'UE, la Suisse a bloqué préventivement des valeurs patrimoniales à hauteur de 75 millions de dollars environ appartenant à M. Yanoukovytch et à son entourage, afin de laisser suffisamment de temps aux autorités ukrainiennes de poursuite pénale pour présenter des demandes éventuelles d'entraide

judiciaire. Dans le même temps, le MPC et les autorités cantonales genevoises ont ouvert des enquêtes pour abus de confiance, corruption, abus d'autorité et blanchiment d'argent, bloquant à cet égard 100 autres millions de dollars.")

An earlier media release by the Swiss Foreign Ministry on February 28, 2014 had stated, "[t]he Federal Council has decided to block all assets Viktor Yanukovich and his entourage might have in Switzerland. The corresponding ordinance enters into force today, Friday 28 February. In taking this measure, the Federal Council wishes to avoid any risk of misappropriation of Ukrainian state assets. []

In view of the most recent developments, the Federal Council wishes to take all measures necessary to avoid the risk of any misappropriation of financial assets of the Ukrainian state. It has therefore decided, in conjunction with other financial centres, to block all assets Viktor Yanukovich and his entourage might have in Switzerland. The Federal Council has also prohibited the sale and any disposal of assets, namely property, of these persons. The aim of this measure is to prevent these assets being taken out of Switzerland before they can be blocked through the ordinary channels of mutual legal assistance in cooperation with the Ukrainian authorities.

Should such assets subsequently be proved through criminal proceedings to have been obtained illegally, they can thus be returned to Ukraine following criminal conviction of the former leaders and their entourage. The Swiss authorities are prepared to cooperate closely with the Ukrainian authorities." (Source: Switzerland Ministry of Foreign Affairs media release, "Federal Council blocks all assets Viktor Yanukovich and his entourage might have in Switzerland," February 28, 2014.)

Disposition of Criminal Case(s):

According to the INTERPOL wanted list, Mr. Yanukovich is "Wanted by the Judicial Authorities of Ukraine for Prosecution / to serve a sentence" with the following charges listed: "Misappropriation, embezzlement or conversion of property by malversation, if committed in respect of an especially gross amount, or by an organized group." (Source: INTERPOL, "Viktor Yanukovich," at <http://www.interpol.int/notice/search/wanted/2014-13031> (last accessed January 21, 2015).



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

Prosecutor General's Office


Jurisdiction of Asset Recovery: Investigative Agency:

Office of Federal Police' Ministere Public de la Confederation; Geneva cantonal authorities

Documents:

Attachment	Size
 Yanukovich_Interpol_Wanted_List_Jan_21_2015.pdf	310.26 KB
 Yanukovich_Switzerland_Fed_Council_Freeze_Feb_2014.pdf	104.43 KB

Attachment**Size**

 Swiss Federal Police Annual Report 2014_Pub May 2015.pdf	7.42 MB
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Other Sources:

Switzerland Office of Federal Police Annual Report for 2014 (Published May 2015), at <http://www.ejpd.admin.ch/dam/data/fedpol/publiservice/publikationen/beri...>

Switzerland Ministry of Foreign Affairs media release, "Federal Council blocks all assets Viktor Yanukovych and his entourage might have in Switzerland," February 28, 2014, at <https://www.news.admin.ch/dokumentation/00002/00015/index.html?lang=en&m...>

Swiss Federal Department of Foreign Affairs, "FAQ on frozen assets of Politically Exposed Persons (PEPs) originating from Ukraine ? ordinance of the Federal Council," April 2014, at <https://www.eda.admin.ch/content/dam/eda/en/documents/topics/FAQ-frozen-...>

Swiss Federal Council Ordinances Instituting measures against certain persons from Ukraine (Ordonnance

instituant des mesures à l'encontre de certaines personnes originaires de l'Ukraine), February 26, 2014 and modified March 7, 2014, accessed at <http://www.admin.ch/bundesrecht/aop/00724/index.html?lang=fr;>

Swissinfo.ch, "Swiss investigate Yanukovych for money laundering," February 28, 2014, at <http://www.swissinfo.ch/eng/swiss-investigate-yanukovych-for-money-laund...>

The Economist, "'A Long, Hard Slog: Ukraine's stolen assets,'" March 5, 2014, at <http://www.economist.com/blogs/easternapproaches/2014/03/ukraine-s-stole...>