

The current framework: the Act on illicit assets

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The Federal Act on the Freezing and Restitution of Illicit Assets Held by Foreign Politically Exposed Persons provides for three stages. Freezing allows the Federal Council to order, as a precautionary measure, the freezing of the assets of politically exposed persons and their entourage, in order to support mutual legal assistance proceedings or where the state of origin is unable to conduct proceedings because of the failure of its institutions.¹ Confiscation may be ordered by the Federal Administrative Court where the assets are of illicit origin, with a presumption of illicit origin where the person's wealth has increased inordinately in connection with the exercise of their office and the level of corruption in the state concerned is notoriously high.² Restitution takes the form of financing public-interest programmes, in principle through agreements with the state of origin and with the participation of international or non-governmental organisations, so as to ensure that the funds benefit the population.³

When the Act was adopted, Parliament decided that the limitation period under criminal law could no longer be invoked to prevent the restitution of funds, the National Council having reversed its position by 120 votes to 62.⁴ One member of parliament recalled that the purpose of the Act was to achieve mutual legal assistance, but that where the state has failed, as in Haiti with Jean-Claude Duvalier, an administrative freeze is the only means of safeguarding the public interest.⁵

The Act has been applied on several occasions. The Egyptian freeze, ordered in 2011 and covering some USD 570 million, was lifted on 20 December 2017, after the Swiss judicial authorities had closed the mutual assistance proceedings at the end of August 2017 for lack of tangible results, which deprived the freeze of its purpose.⁶ The Tunisian and Ukrainian freezes, covering CHF 56 million and CHF 70 million respectively, have been extended several times to allow the criminal proceedings to

progress.⁷ More recently, on 5 January 2026, the Federal Council decided to freeze as a precautionary measure, under the Act, any assets held in Switzerland by Nicolás Maduro and persons linked to him. It also took measures to prevent funds of the former Syrian government from leaving Switzerland before judicial review.⁸

Caution. The freeze provided for by the 2015 Act is a precautionary measure, which presupposes mutual assistance proceedings or the failure of the state of origin. Confiscation requires a judicial decision based on illicit origin, with a presumption in certain cases. Restitution, for its part, takes place through public-interest programmes. The Egyptian freeze, lifted in 2017 because the mutual assistance proceedings produced no results, shows that the framework depends on the cooperation of the state of origin.

1 Notes

1. Art. 3 and 4 of the Federal Act of 18 December 2015 on the Freezing and Restitution of Illicit Assets Held by Foreign Politically Exposed Persons (Foreign Illicit Assets Act, FIAA; LVP, SR 196.1), in force since 1 July 2016: freezing in support of mutual legal assistance where the government of the state of origin has lost or is losing power, freezing with a view to confiscation where the state of origin cannot meet the requirements of mutual assistance because of the failure of its structures; “Foreign Illicit Assets Act”, en.wikipedia.org (accessed September 2026). ↩
2. Art. 14 and 15 LVP: confiscation by the Federal Administrative Court, presumption of illicit origin where wealth has increased inordinately in connection with the exercise of public office and the level of corruption in the state of origin is notoriously high; “Foreign Illicit Assets Act”, en.wikipedia.org, cited above. ↩
3. Art. 17 and 18 LVP: restitution intended to improve the living conditions of the population or to strengthen the rule of law in the state of origin, through the financing of public-interest programmes; “Foreign Illicit Assets Act”, en.wikipedia.org, cited above. ↩
4. Parliamentary Services, summary of item 14.039, “Blocage et restitution des avoirs illicites de personnes politiquement exposées à l'étranger. Loi” [Freezing and restitution of illicit assets of foreign politically exposed persons. Act], ws-old.parlament.ch (accessed September 2026). ↩
5. Parliamentary Services, cited above. ↩

6. Federal Department of Foreign Affairs, “Blocage des valeurs patrimoniales”, cited above; “Restitution des fonds de potentats : la Suisse se hâte lentement” [Restitution of potentates’ funds: Switzerland hastens slowly], swissinfo.ch (accessed September 2026), for the amount. ↩
7. RJB, “La Suisse ne collabore plus avec l’Égypte sur les fonds Moubarak” [Switzerland no longer cooperates with Egypt on the Mubarak funds], accessed September 2026. ↩
8. Federal Department of Foreign Affairs, “Blocage des valeurs patrimoniales”, cited above. ↩

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