

Frozen assets and the confiscation debate

*Dr Alexander Ressos, TEP
Attorney-at-Law (Switzerland), Solicitor (Hong Kong),
Solicitor (England & Wales)*

The amount of frozen Russian assets has become the most visible measure of Swiss sanctions policy, although it is an imperfect one. SECO publishes the figure at irregular intervals. In December 2022 it stood at CHF 7.5 billion, together with fifteen properties. A SECO official, Erwin Bollinger, warned at the time that the amount frozen at any given moment did not necessarily reflect the effectiveness of the sanctions, since assets were sometimes frozen provisionally pending clarification.¹ In April 2024 SECO reported a decline to CHF 5.8 billion. It attributed the fall mainly to lower market values, which had reduced the value of frozen securities by about CHF 2.3 billion, while newly identified assets worth CHF 580 million had been added. The Russian central bank's assets, immobilised separately, were then put at CHF 7.24 billion.²

By the end of March 2025 the total had risen to CHF 7.4 billion. The main driver was the super-provisional freeze of about CHF 1.65 billion in connection with the oligarch Suleiman Kerimov, who had transferred funds to a Swiss charitable foundation in 2023. Market movements added CHF 180 million, SECO released CHF 60 million after review, and changes to the lists removed CHF 310 million and added CHF 130 million. Fourteen properties remained frozen. The assets of the Russian central bank, immobilised since 25 March 2022, amounted to CHF 7.45 billion.³ The most recent figure available when this chapter was written refers to 1 July 2026. SECO then reported CHF 8.5 billion in frozen financial assets, fourteen properties and a range of movable assets including sports and luxury cars, aircraft, works of art, furniture and musical instruments. Of the total, CHF 1.65 billion remained frozen on a super-provisional basis.⁴ SECO attributed the increase to newly identified and frozen assets, to fluctuations in the value of assets already frozen and to the sharp rise in the price of gold.⁵

The Kerimov case illustrates how the freeze interacts with criminal law. After extensive preliminary investigations by SECO, the Office of the Attorney General opened proceedings in November 2023 against four persons in the entourage of the oligarch on suspicion of violating the Embargo Act and of money laundering. A task force formed in response to the situation in Ukraine carried out eight searches in the cantons of Lucerne, Zug and Nidwalden. When the case became public in August 2024, SECO had provisionally blocked CHF 1.3 billion, and the OAG emphasised that the presumption of innocence applied.⁶ The case shows the typical division of labour. SECO freezes the assets administratively and assesses whether the foundation is controlled by a listed person, while the OAG investigates the criminal dimension, which includes money laundering under Article 305bis of the Criminal Code. A money-laundering investigation opens the full range of criminal confiscation under the general part of the Criminal Code.

The increase in frozen assets has not silenced the question whether Switzerland does enough. In April 2023 the ambassadors of the G7 states, Australia and the European Commission wrote to the Federal Council and asked Switzerland to join the Russian Elites, Proxies and Oligarchs (REPO) Task Force, which the G7 states had established in 2022 to locate, freeze and confiscate Russian assets. The American ambassador Scott Miller suggested that Switzerland could freeze an additional CHF 50 to 100 billion beyond the CHF 7.75 billion then frozen.⁷ The Federal Council declined, arguing that Switzerland already cooperated closely with the task force states. On 17 April 2024 the National Council rejected a motion to join by 101 votes to 80. Justice Minister Beat Jans explained that Switzerland had an interest in maintaining a degree of independence in its international relations, not least in view of the Ukraine peace conference it was about to host.⁸

The confiscation of frozen assets for the benefit of Ukraine is the other recurring theme. On 15 February 2023 the Federal Council published the conclusions of an interdepartmental working group, according to which the confiscation of frozen private assets without a criminal conviction would violate the Federal Constitution and the existing legal order, in particular the guarantee of property. An earlier parliamentary motion to confiscate sanctioned Russian assets had failed by 78 votes to 103.⁹ The position rests on the distinction between freezing and confiscating. A freeze is a temporary restriction that leaves ownership intact and can be justified by foreign-policy interests. Confiscation deprives the owner of property and, under Swiss constitutional law, requires either a criminal conviction, a criminal origin of the assets or a special statutory basis.

Article 13 of the Embargo Act does not supply that basis, since it applies only where lawful use is not guaranteed. The central bank assets raise additional questions of state immunity. Switzerland has so far followed the international debate on the use of immobilised Russian central bank reserves without taking measures of its own.

1 Notes

1. Euronews, “7.5 billion of Russian assets have been frozen in Switzerland” (cited above). ↩
2. swissinfo.ch, “Swiss deny drop in value of frozen Russian assets signals weak enforcement”, 23 April 2024, <https://swissinfo.ch/eng/swiss-report-large-drop-in-frozen-russian-assets/76268436>. ↩
3. finews.ch, “Schweiz sperrt noch mehr russische Vermögenswerte”, 1 April 2025, <https://www.finews.ch/news/banken/67012-russland-vermoegenswerte-sanktionen-eu-seco-zentralbank-frankenleihen>; see also swissinfo.ch, “More Russian assets frozen in Switzerland”, 1 April 2025, <https://www.swissinfo.ch/eng/foreign-affairs/more-russian-assets-frozen-in-switzerland/89095766>. ↩
4. SECO, “FAQ – Sanktionen gegen Russland” (cited above), stating the position as at 1 July 2026. ↩
5. Tippingpoint, “Wert der gesperrten Russengelder um eine Milliarde gestiegen” (cited above), quoting SECO. The article also notes that an updated figure for the central bank assets was not immediately available. ↩
6. SRF News, “1,3 Mrd. Franken blockiert: Justiz ermittelt gegen Personen um russischen Oligarchen”, 14 August 2024, <https://www.srf.ch/news/schweiz/1-3-mrd-franken-blockiert-justiz-ermittelt-gegen-personen-um-russischen-oligarchen>. ↩
7. swissinfo.ch, “Switzerland urged to join taskforce on Russian sanctions”, 7 April 2023, <https://www.swissinfo.ch/eng/politics/switzerland-urged-to-join-taskforce-implementing-russian-sanctions/48423842>. ↩
8. swissinfo.ch, “Swiss parliament rejects joining sanctions task force against Russia”, 17 April 2024, <https://www.swissinfo.ch/eng/swiss-parliament-rejects-joining-sanctions-task-force-against-russia/75913965>. ↩

Frozen assets and the confiscation debate

9. Moneycab, “Konfiszierung von Russen-Geldern wäre laut Bund verfassungswidrig”, 15 February 2023, <https://www.moneycab.com/schweiz/konfiszierung-von-russen-geldern-waere-laut-bund-verfassungswidrig/>. ↩

For general information only. This article does not constitute legal or tax advice, does not replace advice on an individual case and creates no lawyer-client relationship. It reflects the legal position as of September 2026.

Online version: helveticaregister.com/zurich-frozen-assets-and-the-confiscation-debate