



## CHRONOLOGY OF THE MOBUTU ASSETS FROZEN IN SWITZERLAND

- § On 16 May 1997, in response to a **request for legal assistance from the Democratic Republic of the Congo (DRC)**, Switzerland ordered the partial freezing of the Mobutu assets in Switzerland as a provisional measure. In the absence of sufficient evidence, the Swiss authorities were not able to order a complete freezing of these assets.
- § On 17 May 1997, to remedy this situation, the Swiss Government passed an **ordinance to provisionally freeze the assets held by Mobutu and his family** in Switzerland. As the request for assistance was subsequently partially completed by the DRC, the assets continued to be frozen within the framework of international legal assistance.
- § Between May 1997 and November 2003, **the Swiss authorities asked the Congolese authorities on several occasions and at various levels to clarify their request for legal assistance**. As the DRC nevertheless failed to follow up on these requests, the assistance procedure had to be stopped.
- § On 15 December 2003, in order to avoid returning the assets to Mobutu's heirs, **the Swiss Government took a decision on the basis of the Constitution to freeze the assets for an initial period of three years**. It mandated the Federal Department of Foreign Affairs (FDFA) to assist the parties in reaching as satisfactory a conclusion as possible.
- § On 15 December 2006, the Swiss government decided a **first prolongation of the freezing** by two years, regardless of the lack of progress made in the matter.
- § In July 2007, **the President of the Swiss Confederation went to the DRC** to invite the Congolese state to designate a representative for this matter.
- § In August 2007, **the Deputy Secretary of State received the Congolese Vice Minister of Foreign Affairs** to reiterate the FDFA's request to designate a representative.
- § In November 2007, **the Swiss Ambassador in Kinshasa submitted an Aide-mémoire to the Congolese Ministry of Foreign Affairs** underlining Switzerland's concern over this matter and its desire to find a solution that would benefit the Congolese people.
- § In July 2008, the FDFA sent a **letter to the Congolese Minister of Foreign Affairs**. In this letter, the FDFA noted Switzerland's regret that five months prior to the expiry of the asset freeze on 15 December 2008 and despite numerous attempts, no discussions had taken place to find a solution enabling assets to be returned to the DRC. **Switzerland therefore offered technical support in order to try to recommence the criminal proceedings initiated in 1997 and in submitting a renewed request for judicial assistance**.

- § On 23 October 2008, by means of a **diplomatic note sent by the Congolese Ministry of Foreign Affairs**, Switzerland was informed that the **Congolese Government had opted to forgo criminal proceedings against Ex-President Mobutu's entourage** and had instead chosen to negotiate with Mobutu's heirs.
- § In a letter dated 13 November 2008, **the Minister of Foreign Affairs made President Kabila the offer of paying for the services of a lawyer specialised in recovering assets**, whose mandate would be to attempt to obtain a judicial freezing order on the Mobutu funds.
- § Following the DRC's last-minute consent, **the Swiss Government prolonged the freezing of assets for a second time** until 28 February 2009. On the one hand, this extension was aimed at allowing the DRC's lawyer to commence proceedings in Switzerland to obtain a restraint order on the assets. On the other hand, it was intended to permit the **Office of the Attorney General of Switzerland** to rule on the next steps to be taken.
- § On 23 January 2009, after a **criminal complaint had been filled** in Switzerland by the lawyer of the DRC, the Swiss Government decided to **prolong the freezing for a third time** until 30 April 2009, based on the principle that it was important for the Office of the Attorney General of Switzerland to study the case.
- § On 21 April 2009, having examined the criminal complaint, **the Office of the Attorney General of Switzerland was forced to reject it, as the claim was statute barred.**
- § Contrary to all expectations, **the DRC instructed its lawyer to take no recourse against the decision made by the Office of the Attorney General of Switzerland.** Consequently, the DRC dispelled all hopes of restoring the frozen funds to the Congolese people.
- § On 27 April 2009, the Federal Council was informed that a Swiss citizen had **lodged a complaint with the Federal Criminal Court of Switzerland.** These unexpected proceedings were opened by a private individual in a final attempt to stop Mobutu's frozen assets from being returned to his heirs. To enable the Federal Criminal Court of Switzerland to rule on the matter, the Swiss Government decided to **extend the freezing for the fourth time.**
- § On 14 July 2009, **the Federal Criminal Court of Switzerland finally decided to end the proceedings**, declaring that the Swiss citizen was unable to act as he was not a victim in the affair. Under these circumstances and in line with the Government's decision of 30 April 2009, **Switzerland had no other option but to unfreeze** Mobutu's assets after 12 years of efforts.