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MEDIA RELEASE:

- **Mobutu-money: Citizens Complaint against inactivity of Swiss Federal Attorney**
- **Request to continue freezing order to Swiss Government**

Last week the Swiss Attorney General's office declared that it saw no legal possibility to forfeit the funds of Mobutu in Switzerland and there is a concrete risk that the over 7 Million CHF of Mobutu will be freed on the 30.4.2009.

Confronting this inactivity Mark Pieth, Professor of Criminal Law at Basel University and Chairman of the "International Centre on Asset Recovery" has today filed a **supervisory complaint** (a kind of citizens complaint: "Aufsichtsbeschwerde") with the Federal Criminal Court against the Swiss Attorney General. Concurrently, he has **requested the Swiss Government to prolong the freezing** of the Mobutu funds.

The obvious lack of cooperation of the Congolese Government is part of the problem: Cronies of the former dictator, amongst them his son, are still in power, nevertheless the Swiss authorities would have the competences to forfeit the funds on a domestic basis and to put them to good use for instance for the suffering population in the civil war regions in Congo (e.g. by funding relief operations with the help of international organisations).

It is unfortunate that the Attorney General has refused to make use of the available legal means (statute of limitation does not kick in the case of ongoing organised crime involvement). It is all the more unfortunate politically, at a moment that the Swiss financial centre is already under heavy fire and it is also totally unnecessary. It is therefore crucial that Switzerland finds a way to live up to its otherwise rather positive track record on "asset recovery" (think of the successful recovery operations in the cases Marcos, Abacha, Montesinos, Duvalier and Kazakhstan).

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