

*Federal Department
of Foreign Affairs*

*Federal Councillor
Micheline Calmy-Rey*

Kazakhstan Coalition
c/o Aktion Finanzplatz Schweiz
Drahtzugstrasse 28
CH-4057 Basel

Bern, September 23rd, 2005

Returning Kazakh funds blocked on Swiss accounts to Kazakhstan

Dear Sirs,

I have read with interest your letter dated 31st August 2005, concerning the case of Kazakh funds blocked on accounts in Switzerland. Indeed, my department is, for some time now, occupied with this matter as are other departments of the federal administration and the judiciary of Geneva.

From a general point of view, I have no difficulty in endorsing your arguments. Switzerland is one of the few countries which has established a procedure which makes it possible to return blocked assets, illegally acquired, to an injured party be it a state or individual victims. As, unfortunately, there are still no internationally acknowledged rules concerning restitution, a solution has often to be achieved via bilateral negotiations. In any case, Switzerland attaches great value to the fact that assets are returned to their rightful owners. This is why, in certain cases - and you name one in your correspondence - ad-hoc-solutions are implemented to make sure that money is used consciously and not to risk that it is again misappropriated.

Concerning the question of corruption which you raise, legal proceedings are established in the United States of America as well as in Switzerland, and it is up to the judiciaries of these two countries to decide. I can, however, assure you that various options of restitution to the Republic of Kazakhstan are examined and discussed by the parties involved, i.e. the American and Swiss judiciary, the federal administration - considering the request for judicial mutual aid deposited by the United States - as well as the government of Kazakhstan. The affair is, however, delicate, implicating, as you can see, an exceptional number of parties. At the moment, these parties have not yet agreed on modalities concerning a restitution. Switzerland is looking actively for a solution which follows the principles I have laid out to you in the first part of this letter.

Yours sincerely,

Micheline Calmy-Rey

NB. This is an unauthorised translation. The official and binding letter is in French.