



Media relations
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Press Release

regarding judgment B-261/2020 of 6 May 2024

Confiscation of assets tied to the Duvalier clan

The Federal Administrative Court upholds the asset confiscation action filed by the Federal Department of Finance against a company with ties to a former Haitian minister under the presidency of Jean-Claude Duvalier. The assets amount to more than four million Swiss francs.

During his rule, the former president of Haiti, Jean-Claude Duvalier, and his entourage had deposited a portion of their assets in Switzerland. In 2010, a bank identified an account in the name of a company whose beneficial owner was Frantz Merceron, the former Haitian Minister of Finance, Economy and Industry from July 1982 until December 1985, during the presidency of Jean-Claude Duvalier. The account was blocked by the Federal Council on 10 October 2012 until such time as the decision concerning the asset confiscation entered into force; this was confirmed by the Federal Administrative Court (FAC) and the Federal Supreme Court.

Assets presumed to be of illicit origin

The asset confiscation proceedings were initiated by the Federal Department of Finance in 2020 against the account-holding company based on the Foreign Illicit Assets Act. After considering the statutory confiscation requirements, the FAC deemed that the assets could be presumed to have been obtained illicitly.

This presumption is validated by the inordinate increase in the wealth of Frantz Merceron and his wife facilitated by the exercise of a public function by the former, and by the notoriously high level of corruption in the Haitian state and surrounding the minister during his term of office. Moreover, the Court takes the view that the company had not demonstrated that the assets in question were acquired legitimately and had thus failed to reverse the presumption. The Court upholds the action and orders the confiscation of the assets blocked on the company's account, amounting to more than four million Swiss francs.

This judgment may be appealed to the Federal Supreme Court.

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About the Federal Administrative Court

Located in St. Gallen, the Federal Administrative Court (FAC) was established in 2007. With its staff of 375 employees (314.7 FTE) and its 73 judges (65 FTE) it is the largest federal court in Switzerland. The Federal Administrative Court has jurisdiction to hear appeals against decisions rendered by Swiss federal administrative authorities. In specific matters, the FAC may grant review on decisions rendered by cantonal authorities. Recourse actions are also reviewed by the Court. The FAC is composed of six divisions. It renders an average of 6,500 judgments every year.