

Agreement

between

the Government of the Swiss Confederation
represented by the Federal Office of Justice

and

the Government of the Slovak Republic
represented by the Ministry of Justice of the Slovak Republic

(hereinafter referred to as "the Parties")

regarding the sharing of confiscated proceeds of crime or property

I.

- considering the judgment of the Federal Criminal Court dated January 9 and May 20, 2015 in the matter of the Office of the Attorney General of Switzerland against [REDACTED] for bribery of foreign public officials, for qualified criminal mismanagement abuse of administrative duties, misconduct in the execution of administrative duties, multiple forgery and fiscal fraud;
- considering that by the above-mentioned judgment of the Federal Criminal Court, a claim for compensation in the amount of CHF 1'454'000.00 was pronounced against [REDACTED] and in favour of the Swiss Confederation;
- considering that following the bankruptcy proceedings against [REDACTED] it was possible to enforce the claim for compensation up to the amount of CHF 1'316'594.50;
- considering that these confiscated assets have been transferred to the Federal Office of Justice;
- considering that for the confiscation of these assets the mutual legal assistance of the Principality of Liechtenstein, the Czech Republic and the Slovak Republic have been relevant;

considering that therefore each of the aforementioned countries is consequently entitled to half of the third of the compensation claim made available within the framework of the sharing procedure;

II.

considering the application of the Swiss Federal Act on the Division of Forfeited Assets of 19 March 2004 (Federal Act) and in particular its articles 11 to 13;

considering that the above-mentioned Federal Act provides that the Swiss Confederation may conclude asset Sharing-Agreements with foreign States;

considering that, for such a Sharing-Agreement, the above-mentioned Federal Act requires in particular:

- that the foreign State has granted and provided mutual legal assistance to the competent judicial authorities in Switzerland; and
- that the foreign State grants reciprocity to the Swiss Confederation in accordance with Article 11 of the above-mentioned Federal Act;

considering that according to Article 12 paragraph 3 of the Federal Act, as a general rule, the confiscated assets are to be shared equally between the Swiss Confederation and the foreign state;

considering that the establishment of the claim for compensation was possible due to the legal assistance provided by the Slovak Republic in this matter;

considering that the Slovak Republic granted reciprocity to the Swiss Confederation by letter dated November 28, 2022;

III.

The Government of the Swiss Confederation and the Government of the Slovak Republic have agreed as follows:

1.

The proportion of the confiscated proceeds of crime or property to be shared under this agreement has been determined and agreed upon by the Parties as fifty percent (50%).

2.

The Government of the Swiss Confederation shall transfer to the Government of the Slovak Republic fifty percent (50%) of one third of the claim for compensation (approximately CHF 219'432.40 resp. approximately EUR 221'284.00) of the amounts (approximately CHF 438'864.80 resp. approximately EUR 442'569.00) resulting from the satisfaction of the above-mentioned judgment, in accordance with paragraph 3 of this Agreement. The parties are aware that the amount to be paid may differ from the amount stated herein due to interest.

3.

The Parties have agreed that any sum transferred pursuant to paragraph 2 of this Agreement shall be paid by the Party where the obtained funds of the compensation claim are located (Switzerland) to the Party receiving the payment (the Slovak Republic) using the following details:

Bank:	Štátna pokladnica
Bank account:	Ministerstvo spravodlivosti SR
IBAN:	[REDACTED]
SWIFT / BIC:	[REDACTED]
Payment reference:	[REDACTED]

4.

Unless otherwise agreed, where a Party transfers confiscated proceeds of crime or property pursuant to paragraph 2 of this Agreement, the other Party shall use the proceeds of crime or property for any lawful purpose at its discretion.

5.

This Agreement shall enter into force upon signature by both Parties. In witness whereof, the undersigned, being duly authorised by their respective Governments, have signed this Agreement.

Done in two originals in Bern and Bratislava, in English.

Date: 28/3/ 2023

Date: 18. 4. 2023

The Government of the Swiss Confederation
represented by

The Government of the Slovak Republic
represented by

Federal Office of Justice

Ministry of Justice

[REDACTED]
Laurence Fontana Jungo
Vice Director

[REDACTED]
Viliam Káras
Minister of Justice