

# Agreement No.1

between

**the Government of the Czech Republic**

and

**the Government of the Swiss Confederation**

**regarding the sharing of confiscated proceeds of crime or property**

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The Government of the Czech Republic, represented by the Ministry of Finance, and the Government of the Swiss Confederation, represented by the Federal Office of Justice, hereinafter referred to as "the Parties", or as "the Czech Republic" and "the Swiss Confederation" respectively,

considering that Mr. Wolfgang Umfogl had been subject of the protection measure of confiscation of monetary funds ordered by the Swiss Criminal and Judicial Authorities (in Bern and Federal Criminal Court (Decision of Swiss Federal Prosecution Office of September 5, 2013, ref. No. SV.10.0018-BUL, point 3.5, Decisions of Federal Criminal Court of April 16, 2014, ref. Nos. BB 2013 1333, BB 2013 134, BP 2013 63, BP 201364, Decision of Federal Court of February 25, 2015, ref. No. 6B 508/2014); and

considering that by the above-mentioned decisions, the confiscation of Mr. Wolfgang Umfogl's assets held on the banking accounts at GE Money Bank has been ordered; and

considering that according to the European Convention on Mutual Assistance in Criminal Matters of April 20, 1959 and the Second Additional Protocol thereto in connection with Article 18 of the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime of November 8, 1990 ("the Convention of 1990"), the fact that the natural person against whom the order to confiscate the proceeds has been issued has subsequently died cannot be invoked as an obstacle to render assistance; and

- considering that by virtue of the Judgment of the Municipal Court in Prague of November 8, 2018, ref. No. 71 T 18/2018 the abovementioned decisions of the Swiss Criminal and Judicial Authorities have been recognized in the Czech Republic; and
- considering that on the basis of the above-mentioned Judgment of the Municipal Court in Prague, the amounts of 21 420,90 CZK; 672,16 CZK; 8 728 702,93 CZK and 144 146,63 EUR were confiscated; and
- considering under Article 15 of the Convention of 1990, any property confiscated by the requested Party shall be disposed of by that Party in accordance with its domestic law, unless otherwise agreed by the Parties concerned; and
- considering that under Article 135 of the Act No. 104/2013 Coll., on International Judicial Cooperation in Criminal Matters ("the Judicial Cooperation Act"), the Czech Republic may, under certain circumstances, enter into agreements on sharing of confiscated assets, if provided for in a treaty or if the other Party has given an assurance of reciprocity; and
- considering the fact that there were no costs associated with the administration of the confiscated assets on the part of the Czech Republic; and
- acknowledging the good working relationship between the authorities responsible for mutual legal assistance in criminal matters of the Czech Republic and the Swiss Confederation,

have agreed as follows:

#### **Article 1**

The proportion of the confiscated assets mentioned in the Preamble to be shared under this Agreement has been determined and agreed upon by the Parties as one hundred percent (100%).

#### **Article 2**

The Czech Republic shall transfer all the confiscated assets in the amount of 21 420,90 CZK; 672,16 CZK; 8 728 702,93 CZK and 144 146,63 EUR to the Swiss Confederation.

### Article 3

The sum pursuant to Article 2 shall be transferred by the Czech Republic to the Swiss Confederation using the following details:

Bank:	Eidgenössische Finanzverwaltung / BJ Finanz- und Rechnungswesen 3003 Bern
Bank account:	15100.02902
IBAN:	CH71 0011 5001 5100 0290 2
SWIFT / BIC:	SNBZCHZZ80 A
Bank clearing:	100
Payment reference	B-17-1991-2, internationales Sharing mit CZ

The costs of the transfer of the funds shall be borne by the Swiss Party.

### Article 4

This Agreement shall enter into force upon signature by both Parties.

Done at ... Berne ... on ... 8 July 2020 ... in two originals in the English language.

For the Government  
of the Czech Republic

Kateřina Fialková  
Ambassador Extraordinary and  
Plenipotentiary of the Czech Republic to  
the Swiss Confederation

For the Government  
of the Swiss Confederation

Laurence Fontana Jungo  
Vice-Director of the Federal Office of Justice