

# Agreement

between

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

and

**the Government of Z**  
represented by **the Ministry of Justice**

(hereinafter referred to as “the Parties”)

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

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I.

considering that **person** have been convicted on **date** by the competent **court** in **X**, Switzerland, for **offence**;

considering that a confiscation order has been issued against **person** on **date** by the competent **court**, in Switzerland, including the property of **X**, in **X**, Switzerland, in the amount of **X**;

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 **Government of Z** provided assistance to the Government of the Swiss Confederation in providing **evidence**;

considering that the help provided by the **Government of Z** was important for the confiscation in Switzerland;

considering that the **Government of Z** granted reciprocity to the Swiss Confederation by letter dated **XX, 20XX**;

### III.

The Government of the Swiss Confederation and the **Government of Z** 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 Z** fifty percent (50%) (approximately **X**) of the amounts contained in a bank account held in the Swiss Confederation (approximately **X**) resulting from the satisfaction of the above mentioned confiscation order, in accordance with paragraph 3 of this Agreement. The parties are aware that the amount to be shared may differ from the stated amount due to possible 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 proceeds of crime or property are located (**Switzerland**) to the Party receiving the payment (**Z**) using the following details:

Bank:

Bank account:

IBAN:

SWIFT / BIC:

Payment reference:

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 Z, in English.

Date: ..... 20XX

Date: ..... 20XX

**The Swiss Confederation**  
represented by

**The Republic of Z**  
represented by

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Vice Director  
Federal Office of Justice

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Ministry of Justice

EXAMPLE