

DECISION of the  
**SWEDISH SUPREME COURT**

given in Stockholm on 16 June 2004

Case No.  
Ö 853-03

**APPELLANT**

Stockholms Handelskammars Skiljedomsinstitut, P.O. Box 16050,  
103 21 Stockholm

Representative: Deputy Secretary General Annette Magnusson, address as  
above

**COUNTERPARTY**

The Prosecutor General

**MATTER**

Confiscation under the Act of International Legal Assistance in Criminal  
Cases

**APPEALED DECISION**

Svea Court of Appeal, dpt. 09, decision of 29 January 2003 in Case No. Ö  
11033-02

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Decision of the Court of Appeal

see Appendix

## DECISION OF THE SUPREME COURT

By annulling the decision of the Court of Appeal, the Supreme Court lifts the confiscation (the Stockholm County Police, No. in confiscation ledger 0240-1824-02).

## MOTIONS BEFORE THE SUPREME COURT

The Arbitration Institute of the Stockholm Chamber of Commerce has moved that the Supreme Court shall lift the confiscation.

The Prosecutor General has admitted the motion.

## FOUNDATIONS

Section 1 of Chapter 2 of the Swedish Act on International Legal Assistance in Criminal Cases (SFS 2000:562) (the “International Legal Assistance Act”) provides that assistance in the form of confiscation can be carried out upon the request of a foreign state on the conditions that apply to the corresponding measure of a Swedish criminal investigation or trial governed by the Swedish Code of Judicial Procedure or other Act or Regulation and under the specific provisions of the International Legal Assistance Act. Section 4 of Chapter 2 of the International Legal Assistance Act lists the information to be provided in an application for international legal assistance and Section 19 of Chapter 4 provides, amongst other things, that property may be confiscated if the property can reasonably be expected to be of importance to the investigation.

From the investigation before the Supreme Court, it has been established that the application submitted by the Investigation Department of the Interior Ministry at Archangelsk, Russia, lacked information on the relevant alleged criminal action and what property should be confiscated. After the application had been clarified in some parts following a new translation of the application from the Russian language before the Supreme Court, it can be, based on the

account of the confiscated property submitted by the claimant and which has been accepted by the Prosecutor General, established that the documents that were confiscated were not part of the Russian application for international legal assistance. Since the confiscation as a result is not legally valid, it shall be lifted.

The decision has been made by: Supreme Court Justices S., M., R., N. and C.  
(Reporting Justice).

Reporting clerk: W.