



Treaty Series No. 32 (2003)

Agreement

between the Government of the
United Kingdom of Great Britain and Northern Ireland
and the Government of Grenada

concerning Mutual Assistance in relation to Drug Trafficking

St. George's, 6 February 1995

[The Agreement entered into force on 1 October 2001]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
August 2003*

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**AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM
OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT
OF GRENADA CONCERNING MUTUAL ASSISTANCE IN RELATION
TO DRUG TRAFFICKING**

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Grenada;

Desiring to intensify their collaboration in the fight against drug trafficking;

Have agreed as follows:

ARTICLE 1

Scope of application

- (1) The Parties shall, in accordance with this Agreement, grant to each other assistance in investigations and proceedings in respect of drug trafficking including the tracing, restraining and confiscation of the proceeds and instruments of drug trafficking.
- (2) This Agreement shall be without prejudice to other obligations between the Parties pursuant to other treaties and shall not prevent the Parties or their law enforcement agencies from providing assistance to each other pursuant to other treaties or arrangements.

ARTICLE 2

Definitions

For the purposes of this Agreement:

- (a) “confiscation” means any measure resulting in the deprivation of property;
- (b) “instruments of drug trafficking” means any property which is or is intended to be used in connection with drug trafficking;
- (c) “proceeds” means any property that is derived or realised, directly or indirectly, by any person from drug trafficking, or the value of any such property;
- (d) property includes money and all kinds of movable or immovable and tangible or intangible property;
- (e) “drug trafficking” means any drug trafficking activity referred to in:
 - (i) Article 3.1 of the Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances opened for signature at Vienna on 20 December 1988¹; or
 - (ii) any international agreement binding upon both Parties, when such activity is treated as an offence pursuant to that agreement;
- (f) “the restraint of property” means any measure for the prevention of dealing in or transfer or disposal of property.

¹ Treaty Series No. 26 (1992) Cm 1927.

ARTICLE 3

Central authorities

- (1) Requests for assistance under this Agreement shall be made through the central authorities of the Parties.
- (2) In the United Kingdom the central authority is the Home Office. In Grenada the central authority is the Ministry of External Affairs.

ARTICLE 4

Contents of requests

- (1) Requests shall be made in writing. In urgent circumstances, or where otherwise permitted by the Requested Party, requests may be made orally but shall be confirmed in writing thereafter.
- (2) Requests for assistance shall include a statement of:
 - (a) the name of the competent authority conducting the investigation or proceedings to which the request relates;
 - (b) the matters, including the relevant facts and laws, to which the investigation or proceedings relate;
 - (c) the purpose for which the request is made and the nature of the assistance sought;
 - (d) details of any particular procedure or requirement that the Requesting Party wishes to be followed;
 - (e) any time limit within which compliance with the request is desired;
 - (f) the identity, nationality and location of the person or persons who are the subject of the investigation or proceedings.
- (3) If the Requested Party considers that the information contained in a request is not sufficient to enable the request to be dealt with, that Party may request that additional information be furnished.

ARTICLE 5

Execution of requests

- (1) A request shall be executed as permitted by and in accordance with the domestic law of the Requested Party and, to the extent not incompatible with such law, in accordance with any requirements specified in the request.
- (2) The Requested Party shall inform the Requesting Party promptly of any circumstances which are likely to cause a significant delay in responding to the request.
- (3) The Requested Party shall promptly inform the Requesting Party of a decision of the Requested Party not to comply in whole or in part with a request for assistance and the reason for that decision.
- (4) The Requesting Party shall promptly inform the Requested Party of any circumstances which may affect the request or its execution or which may make it inappropriate to proceed with giving effect to it.

ARTICLE 6

Refusal of assistance

- (1) Assistance may be refused if:
 - (a) the Requested Party is of the opinion that the request, if granted, would seriously impair its sovereignty, security, national interest or other essential interest; or
 - (b) provision of the assistance sought could prejudice an investigation or proceedings in the territory of the Requested Party, prejudice the safety of any person or impose an excessive burden on the resources of that Party; or
 - (c) the action sought is contrary to principles of the law of the Requested Party; or
 - (d) the request relates to an offence in respect of which the person has been finally acquitted or pardoned, or has served any sentence imposed and any order made as a result of the conviction has been satisfied.
- (2) Before refusing to grant a request for assistance, the Requested Party shall consider whether assistance may be granted subject to such conditions as it deems necessary. If the Requesting Party accepts assistance subject to conditions, it shall comply with them.

ARTICLE 7

Confidentiality and restricting use of evidence and information

- (1) The Requested Party shall, to any extent requested, keep confidential a request for assistance, its contents and any supporting documents, and the fact of granting such assistance except to the extent that disclosure is necessary to execute the request. If the request cannot be executed without breaching confidentiality, the Requested Party shall so inform the Requesting Party which shall then determine the extent to which it wishes the request to be executed.
- (2) The Requesting Party shall, if so requested, keep confidential any evidence and information provided by the Requested Party, except to the extent that its disclosure is necessary for the investigation or proceeding described in the request.
- (3) The Requesting Party shall not use for purposes other than those stated in a request evidence or information obtained as a result of it, without the prior consent of the Requested Party.

ARTICLE 8

Information and evidence

- (1) The Parties may make requests for information and evidence for the purpose of an investigation or proceedings.
- (2) Assistance which may be given under this Article includes but is not limited to:
 - (a) providing information and documents or copies thereof for the purpose of an investigation or proceedings in the territory of the Requesting Party;
 - (b) taking evidence or statements of witnesses or other persons and producing documents, records or other material for transmission to the Requesting Party;
 - (c) searching for, seizing and delivering to the Requesting Party any relevant material, and providing such information as may be required by the Requesting Party concerning the place of seizure, the circumstances of seizure and the subsequent custody of the material seized prior to delivery.

(3) The Requested Party may postpone the delivery of material requested if such material is required for proceedings in respect of criminal or civil matters in its territory. The Requested Party shall, upon request, provide certified copies of documents.

(4) Where required by the Requested Party, the Requesting Party shall return material provided under this Article when no longer needed for the purpose for which it was supplied.

ARTICLE 9

Restraint

(1) In accordance with the provisions of this Article, a Party may request the restraint of property in order to ensure that it is available for the purpose of enforcement of a confiscation order which has been or may be made.

(2) A request made under this Article shall include:

(a) (i) in the case of a request from the United Kingdom, a certificate stating that an information has been laid before a Justice of the Peace, or a person has been charged with an offence, or a bill of indictment has been preferred, or a petition warrant has been granted, or that one of these measures is to be taken and, if so, when;

(ii) in the case of a request from Grenada, a certificate stating that information has been laid before a Justice of the Peace or a person has been charged with an offence or a bill of indictment has been preferred or that one of these measures is to be taken and, if so, when; and

(b) either:

(i) a summary of the facts of the case including a description of the offence, the time and place of its commission, a reference to the relevant legal provisions, the grounds on which the suspicion is based, and a copy of any relevant restraint order; or

(ii) where a confiscation order has been made, a copy of that order;

(c) to the extent possible, a description of the property in respect of which restraint is sought or which is believed to be available for restraint, and its connection with the person against whom the proceedings have been or are to be instituted;

(d) where appropriate, a statement of the amount which it is desired to restrain and the grounds on which this amount is estimated;

(e) where applicable, a statement of the estimated time expected to elapse before the case is committed for trial and before a final judgement may be given.

(3) The Requesting Party shall advise the Requested Party of any alteration in an estimate of time referred to in paragraph (2)(e) above and in doing so shall also give information about the stage of proceedings reached. Each Party shall advise the other promptly of any appeal or variation made in respect of restraint action requested or taken.

(4) The Requested Party may impose a condition limiting the duration of the restraint. The Requested Party shall notify the Requesting Party promptly of any such condition, and the reason for it.

ARTICLE 10

Enforcement of confiscation orders

- (1) This Article applies to an order, made by a court of the Requesting Party, for the purpose of confiscating the proceeds or instruments of drug trafficking.
- (2) A request for assistance in enforcing such an order shall be accompanied by a copy of the order, certified by an officer of the court that made the order or by the central authority, and shall contain information indicating:
 - (a) that neither the order nor any conviction to which it relates is subject to appeal;
 - (b) that the order is enforceable in the territory of the Requesting Party;
 - (c) where appropriate, property available for enforcement or the property in respect of which assistance is sought, stating the relationship between that property and the person against whom the order has been made;
 - (d) where appropriate, and where known, the interests in the property of any person other than the person against whom the order has been made; and
 - (e) where appropriate, the amount which it is desired to realise as a result of such assistance.
- (3) Where the law of the Requested Party does not permit effect to be given to a request in full, the Requested Party shall give effect to it insofar as it is able to do so.
- (4) If a request under this Article relates to an amount of money, that amount shall be converted into the currency of the Requested Party in accordance with its domestic law and procedures.
- (5) Property obtained by the Requested Party in the enforcement of an order to which this Article applies shall remain with that Party, unless otherwise agreed upon between the Parties.

ARTICLE 11

Costs

The Requested Party shall bear any costs arising within its territory as a result of action taken upon request of the Requesting Party. Extraordinary costs may be subject to special agreement between the Parties.

ARTICLE 12

Authentication

Unless otherwise required under national law, and without prejudice to Article 10(2), documents certified by a central authority shall not require further certification, authentication or legalisation for the purposes of this Agreement.

ARTICLE 13

Territorial application

This Agreement shall apply:

- (a) in relation to the United Kingdom:
 - (i) to England and Wales, Scotland, and Northern Ireland; and
 - (ii) to any territory for the international relations of which the United Kingdom is responsible and to which this Agreement shall have been extended, subject to any modifications agreed, by agreement between the Parties. Such

extension may be terminated by either Party by giving six months' written notice to the other through the diplomatic channel; and

(b) to Grenada.

ARTICLE 14

Final provisions

(1) Each Party shall notify the other of the completion of the constitutional formalities required by its laws for the entry into force of this Agreement. This Agreement shall enter into force on the first day of the month following the expiration of one calendar month after the date of the later of the two notifications.

(2) It may be terminated by either Party by giving notice to the other through the diplomatic channel. It shall cease to be in force six months after the date of receipt of such notice.

In witness whereof the undersigned being duly authorised thereto by their respective Governments, have signed this Agreement.

Done in duplicate at St. George's this Sixth day of February 1995.

For the Government of the United
Kingdom of Great Britain and
Northern Ireland:

RICHARD THOMAS

For the Government of Grenada:

GEO. I. BRIZAN

