

Agreement Between the Government of Canada and the Government of the United States of America Regarding the Sharing of Forfeited Assets and Equivalent Funds

E101643 - CTS 1995 No. 6

The Government of Canada and the Government of the United States of America, hereinafter referred to as "the Parties",

Considering the commitment of the Parties to cooperate on the basis of the Treaty On Mutual Legal Assistance in Criminal Matters, which was signed March 18, 1985 and entered into force January 24, 1990, as well as the United Nations Convention against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances of December 20, 1988;

Desiring to improve the effectiveness of law enforcement in both countries in the investigation, prosecution and suppression of crime and in the tracing, freezing, seizure and forfeiture of assets related to crime; and

Desiring also to create a framework for sharing the proceeds of disposition of such assets;

Have agreed as follows:

1. Where one Party (the Assisting Party) has participated in investigations or proceedings resulting in a forfeiture or the payment of funds equivalent to a forfeiture in the jurisdiction of the other Party (the Assisted Party), the Assisted Party may, consistent with its domestic laws, share with the Assisting Party the net proceeds realised.
2. For the purposes of this Agreement, "forfeiture or the payment of funds equivalent to a forfeiture" shall mean, for Canada, forfeiture of assets related to crime or the payment of funds equivalent to a forfeiture, either of which order is made on behalf of Her Majesty the Queen in right of Canada.
3. Amounts to be shared and the proportion of such amounts to be received by the Assisting Party shall be determined in accordance with the laws of the Assisted Party.
4. Sharing pursuant to this Agreement shall be between the Government of Canada and the Government of the United States of America. The Assisted Party shall not place any conditions in respect of the use of amounts paid nor shall it make any payments conditional on the Assisting Party sharing them with any state, government, organization or individual.
5. The Assisting Party may bring any cooperation that led, or is expected to lead, to a forfeiture or the payment of funds equivalent to a forfeiture to the attention of the Assisted Party.
6. Shares payable pursuant to Article 1 shall be paid in the currency of the Assisted Party. In cases where Canada is the Assisting Party, payments shall be made to the Receiver General of Canada (Proceeds Account) and sent to the Director of the Seized Property Management Directorate. In cases where the United States is the Assisting Party, payments shall be made as

- designated by the Central Authority of the United States, who is the Attorney General or a person designated by the Attorney General.
7. The channels of communication for all matters concerning the implementation of this Agreement shall be, for Canada, the Director of the Office of National Strategy for Drug Prosecutions and, for the United States, the Central Authority.
 8. This Agreement shall enter into force upon signature.
 9. Either Party may terminate this Agreement, at any time, by giving written notice to the other Party. Termination shall become effective six months after receipt of the notice.

DONE at Ottawa, this 22nd day of March ,1995, in duplicate, in the English and French languages, each text being equally authentic.

Allan Rock
FOR THE GOVERNMENT OF CANADA

Janet Reno
FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA