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AGREEMENT BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF ANTIGUA AND BARBUDA REGARDING THE SHARING OF FORFEITED OR CONFISCATED ASSETS AND EQUIVALENT FUNDS

THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF ANTIGUA AND BARBUDA, hereinafter referred to as "the Parties",

CONSIDERING the commitment of the Parties to cooperate in 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 or confiscation 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:

ARTICLE 1

Where one Party (the Assisting Party) has participated in investigations or proceedings resulting in a confiscation or 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 realized.

ARTICLE 2

For the purposes of this Agreement, forfeiture or the payment of funds equivalent to a forfeiture shall mean, for Canada, an order of 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 and for Antigua and Barbuda an order of a competent court for the forfeiture or confiscation of assets or the payment of funds related to crime, which order is made in favour of the Crown or the Government of Antigua and Barbuda.

ARTICLE 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.

ARTICLE 4

Sharing pursuant to this Agreement shall be between the Government of Canada and the Government of Antigua and Barbuda. 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.

ARTICLE 5

The Assisting Party may bring any cooperation that led, or is expected to lead, to a confiscation, forfeiture or the payment of funds equivalent to a forfeiture to the attention of the Assisted Party.

ARTICLE 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 Antigua and Barbuda is the Assisting Party, payments shall be made as designated by the Central Authority of Antigua and Barbuda, who is the Attorney General and Minister of justice and Legal Affairs or a person designated by the Attorney General and Minister of justice and Legal Affairs.

ARTICLE 7

The channels of communication for all matters concerning the implementation of this Agreement shall be, for Canada, the Director of the Strategic Prosecution Policy Section and for the Government of Antigua and Barbuda, the Central Authority.

ARTICLE 8

This Agreement shall enter into force upon signature.

ARTICLE 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.

IN WITNESS WHEREOF, the undersigned, duly authorized by their respective Governments, have signed this Agreement.

DONE in duplicate at St. John's, this 14th day of October 1999, in the English and French languages, each version being equally authentic.

FOR THE GOVERNMENT OF CANADA

Duane Van Beselaere

FOR THE GOVERNMENT OF ANTIGUA AND BARBUDA

Lester B. Bird