

AGREEMENT
BETWEEN
THE GOVERNMENT OF CANADA
AND
THE GOVERNMENT OF THE REPUBLIC OF CUBA
REGARDING THE SHARING OF FORFEITED
ASSETS OR THEIR EQUIVALENT FUNDS

THE GOVERNMENTS OF CANADA AND OF THE REPUBLIC OF CUBA, hereinafter referred to as "the Parties",

CONSIDERING the commitment of the Parties to co-operate on the basis of 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:

ARTICLE 1

Interpretation

In this Agreement:

- a) References to "forfeiture" shall be taken to be references to any procedure under national law resulting:
 - i. In the case of Canada, an order of forfeiture of assets related to crime or an order for the payment of funds equivalent to a forfeiture, made on behalf of Her Majesty the Queen in right of Canada, which is not, or no longer capable of being the subject of appeal proceedings; and
 - ii. In the case of Cuba, an order of forfeiture of assets related to crime, made by a Court of competent jurisdiction which is not, or no longer capable of being the subject of appeal proceedings;
- b) Reference to "co-operation" shall be taken to be references to any assistance, including operational, legal or judicial assistance, which has been given by one Party and which has contributed to, or significantly facilitated, forfeiture in the territory of the other Party;