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CANADA

TREATY SERIES **1997/26** RECUEIL DES TRAITÉS

MUTUAL LEGAL ASSISTANCE

Agreement between the Government of **CANADA** and the Government of the **REPUBLIC OF TRINIDAD AND TOBAGO** Regarding the Sharing of Forfeited or Confiscated Assets and Equivalent Funds

Ottawa, September 4, 1997

In force September 4, 1997

Dept. of External Affairs
Min. des Affaires extérieures

APR 15 1998
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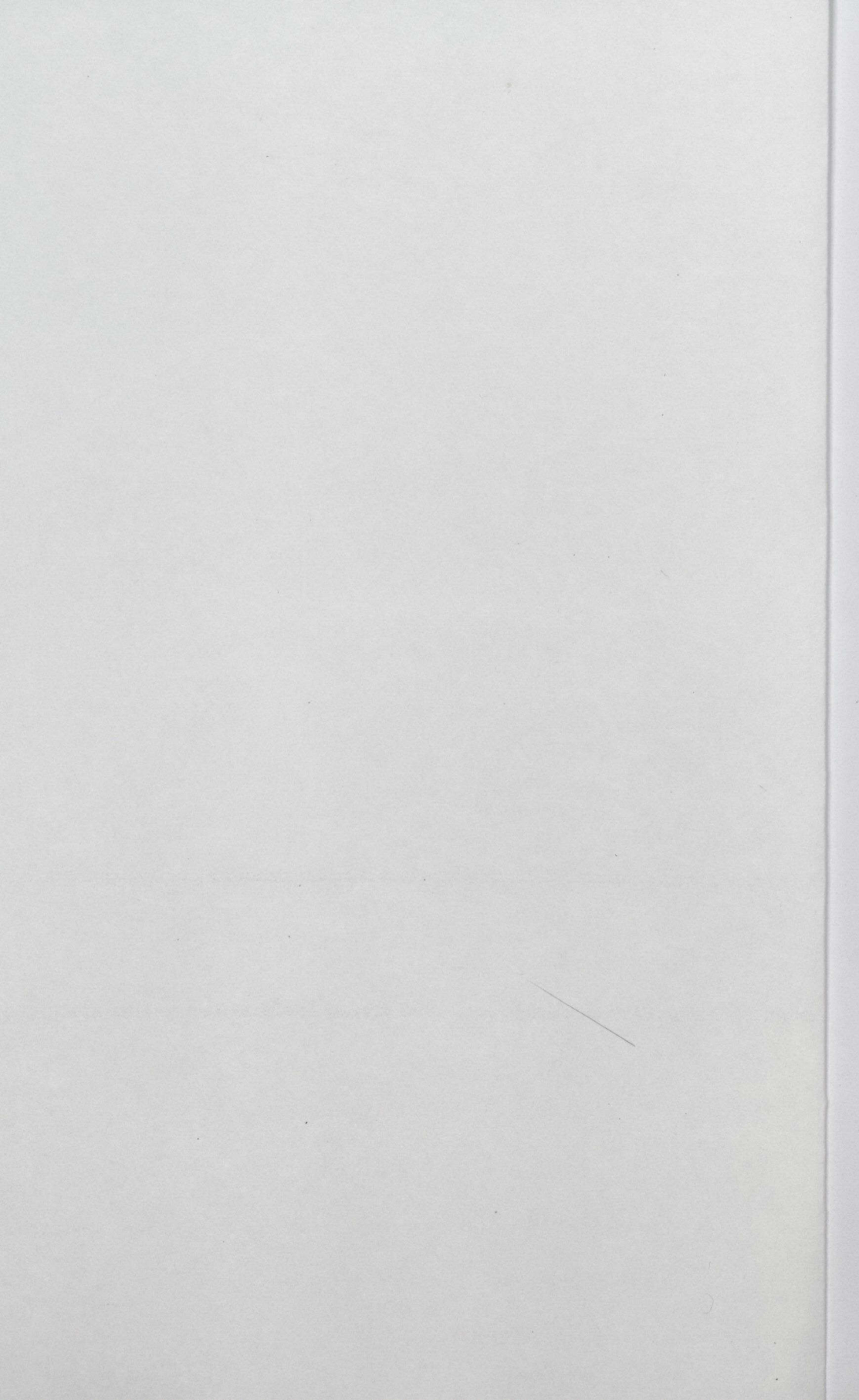
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Accord entre le gouvernement du **CANADA** et le gouvernement de la **RÉPUBLIQUE DE TRINITÉ-ET-TOBAGO** concernant le partage des biens confisqués et des sommes d'argent équivalentes

Ottawa, le 4 septembre 1997

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Ottawa, le 4 septembre 1997

En vigueur le 4 septembre 1997

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AGREEMENT
BETWEEN
THE GOVERNMENT OF CANADA
AND
THE GOVERNMENT OF THE
REPUBLIC OF TRINIDAD AND TOBAGO
REGARDING THE SHARING OF FORFEITED OR
CONFISCATED ASSETS AND EQUIVALENT FUNDS

THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF THE REPUBLIC OF TRINIDAD AND TOBAGO, 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 on *SEPTEMBER 4, 1997*, 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, confiscation or 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 confiscation or a forfeiture order, 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 law, share with the Assisting Party the net proceeds realised.
2. For the purposes of this Agreement, for Canada "forfeiture or the payment of funds equivalent to a forfeiture" shall mean 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 the Republic of Trinidad and Tobago, "confiscation order" or "forfeiture order" shall mean any such order made in conformity with the law of Trinidad and Tobago.
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 law of the Assisted Party.

ACCORD
ENTRE
LE GOUVERNEMENT DU CANADA
ET
LE GOUVERNEMENT DE
LA RÉPUBLIQUE DE TRINITÉ-ET-TOBAGO
CONCERNANT LE PARTAGE DES BIENS CONFISQUÉS
ET DES SOMMES D'ARGENT ÉQUIVALENTES

LE GOUVERNEMENT DU CANADA ET LE GOUVERNEMENT DE LA
RÉPUBLIQUE DE TRINITÉ-ET-TOBAGO, ci-après appelés les «parties»;

CONSIDÉRANT leur volonté de collaborer aux termes du Traité d'entraide juridique en matière pénale qui a été signé le *4 SEPTEMBRE 1997* et de la Convention des Nations Unies contre le trafic illicite de stupéfiants et de substances psychotropes de 20 décembre 1988;

DÉSIRANT améliorer l'efficacité de l'application de la loi dans les deux pays dans le cadre des enquêtes, des poursuites criminelles et de la répression de la criminalité ainsi que dans le dépistage, le blocage, la saisie et la confiscation des biens reliés à la criminalité; et

DÉSIRANT également créer un cadre pour le partage du produit de l'aliénation de tels biens;

CONVIENNENT des dispositions suivantes :

1. Lorsqu'une partie (la partie aidante) a participé à des enquêtes ou procédures ayant donné lieu à une confiscation ou au paiement d'une somme d'argent équivalant à la confiscation dans le ressort de l'autre partie (la partie aidée), la partie aidée peut, conformément à son droit interne, partager avec la partie aidante le produit net de l'aliénation.
2. Pour l'application du présent accord, «confiscation ou paiement d'une somme équivalente à la confiscation» s'entend, pour le Canada, de la confiscation de biens criminellement obtenus ou du paiement d'une somme équivalant à la confiscation, l'une et l'autre ordonnance étant au profit de Sa Majesté la Reine du chef du Canada; et pour la République de Trinité-et-Tobago, «ordonnance de confiscation» s'entend de toute ordonnance à cette fin rendue en conformité avec les lois de Trinité-et-Tobago.
3. Les sommes d'argent à partager et la proportion de ces sommes qui revient à la partie aidante est déterminée en conformité avec les lois de la partie aidée.

4. Sharing pursuant to this Agreement shall be between the Government of Canada and the Government of the Republic of Trinidad and Tobago. 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 confiscation, 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 Republic of Trinidad and Tobago is the Assisting Party, payments shall be made to the Comptroller of Accounts for deposit to the Consolidated Fund and sent to the Central Authority of the Republic of Trinidad and Tobago, 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 Strategic Prosecution Policy Section and, for the Republic of Trinidad and Tobago, 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.

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

DONE in duplicate at *Ottawa*, on the *4th* day of *September*,
 One Thousand Nine Hundred and Ninety-Seven, in the English and French languages,
 each text being equally authentic.

Anne McLellan
 Anne McLellan
 FOR THE GOVERNMENT
 OF CANADA

Ramesh Lawrence Maharaj
 Ramesh Lawrence Maharaj
 FOR THE GOVERNMENT OF
 THE REPUBLIC OF
 TRINIDAD AND TOBAGO

4. Le présent accord ne vise que le partage entre le gouvernement du Canada et le gouvernement de la République de Trinité-et-Tobago. La partie aidée ne peut assujettir à aucune condition l'utilisation des sommes d'argent payées, ni ne peut verser le paiement à la condition que la partie aidante le partage avec un quelconque État, gouvernement, organisme ou particulier.
5. La partie aidante peut porter à l'attention de la partie aidée toute collaboration ayant mené ou devant mener à la confiscation ou au paiement des sommes d'argent équivalant à la confiscation.
6. Les sommes partagées en vertu de l'article premier doivent être versées en devises de la partie aidée. Si la partie aidante est le Canada, le paiement doit être fait à l'ordre du Receveur général du Canada (Compte des biens saisis) et expédié au Directeur de la Direction de la gestion des biens saisis. Si la partie aidante est la République de Trinité-et-Tobago, les paiements doivent être faits à l'ordre du Comptroller of Accounts, pour dépôt au Fonds consolidé, et envoyés à l'Autorité centrale de la République de Trinité-et-Tobago, à savoir le Procureur général ou la personne qu'il a désignée.
7. Les voies de communication aux fins de la mise en oeuvre du présent accord sont, pour le Canada, le Directeur de la section de l'élaboration des politiques stratégiques en matières de poursuites, et pour la République de Trinité-et-Tobago, son Autorité centrale.
8. Le présent accord entre en vigueur à sa signature.
9. L'une ou l'autre partie peut, en tout temps, mettre fin au présent accord moyennant un préavis écrit à l'autre partie. L'accord prendra fin six mois après la réception de l'avis.

EN FOI DE QUOI les signataires, dûment autorisés par leur gouvernement respectif, ont signé le présent traité.

FAIT en double exemplaire à *Ottawa*, ce *4^e* jour de *septembre*, mil neuf cent quatre-vingt-dix-sept, en langues française et anglaise, les deux versions faisant également foi.

POUR LE GOUVERNEMENT
DU CANADA

Anne McEetran

A. Anne McEetran

POUR LE GOUVERNEMENT DE
LA RÉPUBLIQUE DE
TRINITÉ-ET-TOBAGO

Ramesh Lawrence Maharaj

Ramesh Lawrence Maharaj

The first part of the document is a list of names and addresses of the members of the committee. The names are arranged in alphabetical order. The addresses are given in full, including the street, city, and state.

The second part of the document is a list of the names and addresses of the members of the committee who have been appointed to the various sub-committees. The names are arranged in alphabetical order. The addresses are given in full, including the street, city, and state.

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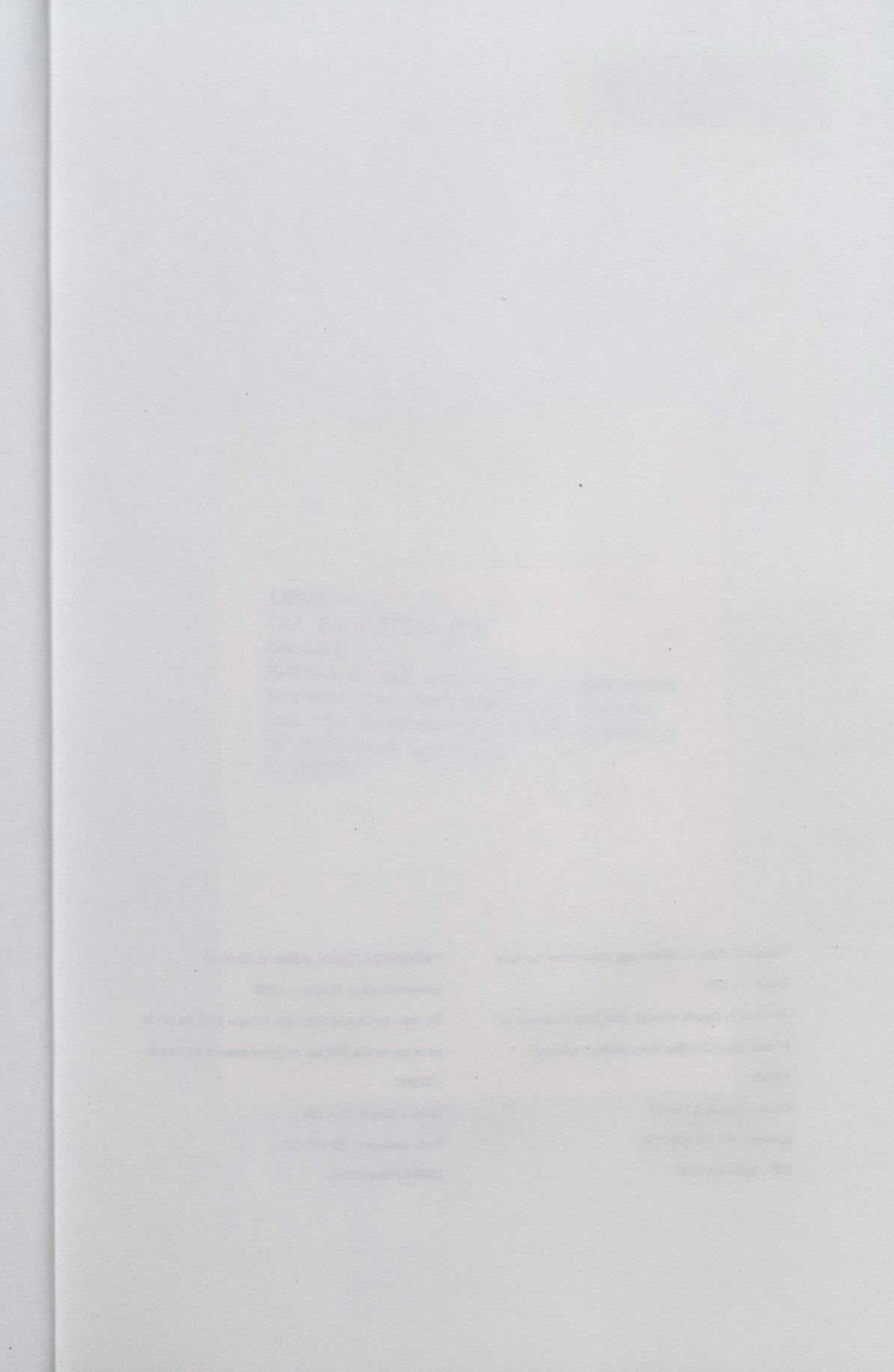
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