

No. 30162

**UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
and
ECUADOR**

**Agreement concerning mutual assistance in relation to drug
trafficking. Signed at Quito on 7 May 1992**

Authentic texts: English and Spanish.

*Registered by the United Kingdom of Great Britain and Northern Ireland
on 30 July 1993.*

**ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD
et
ÉQUATEUR**

**Accord d'assistance mutuelle en matière de trafic de stupé-
fiants. Signé à Quito le 7 mai 1992**

Textes authentiques : anglais et espagnol.

*Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord
le 30 juillet 1993.*

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED
KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
AND THE GOVERNMENT OF THE REPUBLIC OF ECUADOR
CONCERNING MUTUAL ASSISTANCE IN RELATION TO
DRUG TRAFFICKING

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Ecuador,

Desiring to intensify their collaboration in the fight against illicit drug trafficking and in the application of the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988²;

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 illicit 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, the Parties shall adhere to the following definitions:

- (a) “confiscation” means any measure resulting in the permanent deprivation of property by order of a court or other competent authority;
- (b) “instruments of drug trafficking” means any property which is or is intended to be used in connection with drug trafficking, as defined in subparagraph (e) below;
- (c) “proceeds” means any property that is derived or realised, directly or indirectly, by any person from illicit drug trafficking, as defined in subparagraph (e) below, or the value of any such property;
- (d) “property” means assets of any kind, whether corporeal or incorporeal, moveable or immoveable, tangible or intangible and legal documents or instruments evidencing title to, or interest in, such assets;

¹ Came into force on 1 March 1993, i.e., the first day of the month following the expiration of one calendar month after the date of the last of the notifications (of 30 July 1992 and 20 January 1993) by which the Parties had informed each other of the completion of their respective requirements, in accordance with article 15 (1).

² United Nations, *Treaty Series*, vol. 1582, No. I-27627.

- (e) “illicit drug trafficking” means any illicit drug trafficking activity referred to in:
 - (i) Article 3.1 of the 1988 Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances; or
 - (ii) any international agreement binding upon both Parties, when such activity is treated as an offence pursuant to that agreement.

ARTICLE 3

Central Authorities

- (1) Requests for assistance under this Agreement shall be made through the central authorities of the Parties and transmitted through the diplomatic channel.
- (2) In the United Kingdom the central authority is the Home Office. In Ecuador the central authority is the Consejo Nacional de Control de Sustancias Estupefacientes y Psicotrópicas (CONSEP).

ARTICLE 4

Contents of Requests

- (1) Requests shall be made in writing. In urgent circumstances, or when permitted by the Requested Party, requests may be sent by facsimile, but shall be confirmed in writing within 15 days 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 promptly inform the Requesting Party of any circumstances which may 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 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 when:

- (a) the Requested Party considers that the execution of the request would seriously impair its sovereignty, security, national interest or other essential interest;
- (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;
- (c) the action sought is contrary to principles of the law of the Requested Party;
- (d) the request relates to an offence in respect of which the person had 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.