

No. 31085

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

**Agreement on legal assistance in relation to drug trafficking.
Signed at Montevideo on 23 January 1992**

Authentic texts: English and Spanish.

*Registered by the United Kingdom of Great Britain and Northern Ireland
on 19 July 1994.*

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

**Accord relatif à l'entraide judiciaire en matière de trafic de
stupéfiants. Signé à Montevideo le 23 janvier 1992**

Textes authentiques : anglais et espagnol.

*Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord
le 19 juillet 1994.*

AGREEMENT¹ ON LEGAL ASSISTANCE IN RELATION TO DRUG TRAFFICKING BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE ORIENTAL REPUBLIC OF URUGUAY

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Oriental Republic of Uruguay;

Prompted by the desire for even closer legal relations and more effective international co-operation in criminal matters regarding the investigation and prosecution of offences relating to drug trafficking which, besides representing a great threat to mankind, take the form of transnational criminal activities the evidence or unlawful aspects of which are frequently located in several States;

Have resolved, on the basis of the principles of national sovereignty and equality of rights and mutual advantages, to conclude an Agreement on mutual legal assistance in relation to Drug Trafficking;

Have agreed as follows:

ARTICLE 1

Scope of the Agreement

1. The Parties shall, in accordance with this Agreement, grant each other legal assistance in the investigation and prosecution of offences relating to drug trafficking and in the legal proceedings connected with those offences, such assistance being regarded as including the tracing, freezing and confiscation of the proceeds and instruments of drug trafficking.
2. The assistance shall be provided when the conduct giving rise to the investigation, prosecution or legal proceedings in the Requesting State constitutes an offence under the legislation of that State and of the Requested State.
3. This Agreement does not empower the authorities or individuals of the Requesting State to assume responsibilities in the territory of the Requested State which under its domestic laws are reserved to its authorities.
4. The provisions of this Agreement do not confer rights on individuals to obtain, suppress or exclude evidence or oppose compliance with a request for assistance.

¹ Came into force on 19 January 1994, i.e., 30 days after the date of the last of the notifications (of 18 February and 20 December 1993) by which the Parties had informed each other of the completion of the required domestic procedures, in accordance with article 21(1).

ARTICLE 2

Definitions

For the purposes of this Agreement:

- (a) “confiscation” means any measure resulting in the permanent deprivation of property by decision of a court of law;
- (b) “instruments” means any property used or intended to be used in connection with drug trafficking;
- (c) “proceeds” means any property that is derived or obtained, directly or indirectly, by any person from drug trafficking, or the value of such property;
- (d) “property” means any corporeal or incorporeal, movable or immovable, tangible or intangible property;
- (e) “drug trafficking” means any drug trafficking activity referred to in:
 - (i) Article 3.1 of the Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances opened for signature at Vienna on 20 December 1988;¹ or
 - (ii) any international agreement binding upon both Parties, when such activity is considered as an offence pursuant to that agreement;
- (f) “restraint” means any measure which temporarily prohibits the transfer or disposal of property.

ARTICLE 3

Competent Authorities

1. The assistance which is the subject of this Agreement shall be provided through the respective Central Authorities of the Parties.
2. In view of the diverse nature of the Parties’ legal systems, requests made by either of them under this Agreement shall be based on requests for assistance by the authorities of the Requesting State responsible for investigating or prosecuting the offences covered by this Agreement and for the legal proceedings relating to them.
3. The Central Authorities shall be responsible for submitting and receiving requests for assistance and shall communicate with each other directly for all purposes covered by this Agreement.
4. The Central Authority in the United Kingdom of Great Britain and Northern Ireland is the Home Office. The Central Authority in the Oriental Republic of Uruguay is the Ministry of Education and Culture.
5. Either Party may replace the body which has been assigned the responsibilities of the Central Authority by another and shall notify the other Party of this immediately through the diplomatic channel.

¹United Nations, *Treaty Series*, vol. 1582, No. I-27627.

ARTICLE 4**Refusal of Assistance**

1. The Requested Party may refuse assistance if:
 - (a) compliance with the request for assistance impairs the sovereignty, security, national interest, public order or other essential interests of the Requested Party;
 - (b) compliance with the request might prejudice an investigation or proceedings pending in the Requested State, or impose an excessive burden on the resources of the Requested Party;
 - (c) in connection with the offence which is the subject of the request, the person was acquitted or pardoned or has satisfied any sentence for that offence.
2. Before refusing assistance under this Article, 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 those conditions, the Requested Party shall comply with the request subject to such conditions.
3. Where the Requested Party refuses assistance, it shall inform the Requesting Party of the reasons for its refusal.

ARTICLE 5**Scope of Assistance**

Assistance shall include:

- (a) handing over of information, documents or other evidence;
- (b) receipt of evidence or statements by persons, carrying out of appraisals by experts and examination of objects and places;
- (c) locating or identifying persons;
- (d) adopting measures for seizure or restraint of property;
- (e) complying with search requests;
- (f) confiscation and transfer of confiscated property;
- (g) transfer of persons in order to appear as witnesses or for other purposes expressly indicated in the request;
- (h) any other form of assistance not prohibited by the laws of the Requested State.

ARTICLE 6

Form and Content of the Request

1. The request for assistance shall be made in writing, except in urgent cases where the Requested Party may accept the request in another form. In such case, the request must be confirmed in writing within the following ten days. The request shall be made in the language of the Requesting State and accompanied by a translation into the language of the Requested State.
2. The request shall contain the following:
 - (a) the name of the competent authority responsible for the investigation or criminal proceedings;
 - (b) a description of the facts on which the request is based, including the specific offences to which the request relates and an indication of the relevant legal provisions together with the text of those provisions;
 - (c) a description of the information, evidence or other kind of assistance requested;
 - (d) the identity, nationality and location of the persons subject to investigation or criminal proceedings.
3. To the extent necessary, the request shall also include:
 - (a) information on the identity and whereabouts of the persons to be located;
 - (b) information on the identity and domicile of the persons whose testimony or statement it is desired to obtain;
 - (c) a description of the place or person which is to be searched and of the property which is to be seized, restrained or confiscated;
 - (d) the text of the questions to be asked in respect of receipt of evidence of witnesses in the Requested State;
 - (e) a description of the special forms and procedures desired for the execution of the request;
 - (f) any other information which may be suggested to the Requested Party for the purpose of facilitating compliance with the request.
4. If the Requested Party considers that the information contained in the request is insufficient to grant assistance, it may request that additional information be furnished.

ARTICLE 7

Execution of Requests

1. Requests shall be executed as permitted by and in accordance with the domestic law of the Requested State.
2. At the request of the Requesting Party, the Requested Party shall provide the assistance in accordance with the special forms and procedures indicated in the request unless they are incompatible with its domestic law.