

No. 32028

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

**Agreement concerning mutual legal assistance relating to
drug trafficking. Signed at Panama on 1 March 1993**

Authentic texts: English and Spanish.

*Registered by the United Kingdom of Great Britain and Northern Ireland
on 3 July 1995.*

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

**Accord relatif à l'entraide judiciaire en matière de trafic de
stupéfiants. Signé à Panama le 1^{er} mars 1993**

Textes authentiques : anglais et espagnol.

*Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord
le 3 juillet 1995.*

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED
KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
AND THE GOVERNMENT OF THE REPUBLIC OF PANAMA
CONCERNING MUTUAL LEGAL ASSISTANCE RELATING TO
DRUG TRAFFICKING

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

Desiring to intensify their collaboration in the fight against drug trafficking;

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 drug trafficking including the tracing, restraining and forfeiture of the proceeds and instruments of drug trafficking.
- (2) The scope of application of mutual assistance provided for in this Article shall be restricted to matters relating to the investigation and prosecution of offences relating to drug trafficking.
- (3) This Agreement shall be without prejudice to other obligations between the Parties pursuant to other treaties or arrangements or otherwise, 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:

- (a) “forfeiture” means any measure resulting in the transfer of property to the Crown or State by means of a judicial decision;
- (b) “instruments of drug trafficking” means any property which is or is intended to be used in connection with drug trafficking;
- (c) “proceeds” means any property that is derived or realised, directly or indirectly, by any person from drug trafficking, or the value of any such property;
- (d) property includes money and all kinds of movable or immovable and tangible or intangible property;

¹ Came into force on 1 September 1994, 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 7 September 1993 and 25 July 1994) by which the Parties had informed each other of the completion of their respective requirements, in accordance with article 15 (1).

- (e) “drug trafficking” means engaging or being concerned in:
 - (i) the unlawful production, manufacture, supply, possession for supply, transport, storage, import or export of a drug or narcotic whether in the United Kingdom, Panama or, for the purpose of this definition only, elsewhere;
 - (ii) the unlawful possession, retention, control, disposal, concealment or disguise of the proceeds of any of the activities listed in (i) above whether in the United Kingdom, Panama or, for the purpose of this definition only, elsewhere;
- (f) “a drug or narcotic” means a substance listed in the Single Convention on Narcotic Drugs (1961)¹ as amended by the 1972 Protocol,² in the Convention on Psychotropic Substances (1971),³ or in any other international agreement binding on both Parties;
- (g) “the restraint of property” means any preventative measure which may prevent commercial trading or dealing in or transfer or disposal of any property.

ARTICLE 3

Central Authorities

- (1) Requests for assistance under this Agreement shall be made through the central authorities of the Parties.
- (2) In the United Kingdom the central authority is the Home Office. In the Republic of Panama the central authority is the Ministry of Government and Justice.

ARTICLE 4

Contents of Requests

- (1) Requests for assistance shall be made in writing. In urgent circumstances, or where otherwise permitted by the Requested Party, requests may be made orally 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 including a statement as to what sworn or affirmed evidence is required, if any;
 - (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;

¹ United Nations, *Treaty Series*, vol. 520, p. 151; vol. 557, p. 280 (corrigendum to vol. 520, p. 309); vol. 570, p. 346 (procès-verbal of rectification of the authentic Russian text), and vol. 590, p. 325 (procès-verbal of rectification of the authentic Spanish text).

² *Ibid.*, vol. 976, p. 3.

³ *Ibid.*, vol. 1019, p. 175.

- (g) where known a description of any documents, records or articles of evidence to be produced as well as a description of the appropriate person to be asked to produce them and, to the extent not otherwise provided for, the form in which they should be reproduced and authenticated;
- (h) the need, if any, for confidentiality and the reasons therefore.

(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 Request

- (1) A request shall be executed as permitted by and in accordance with the domestic laws of the Requested Party and, to the extent not incompatible with such laws, in accordance with any requirements specified in the request.
- (2) The Requested Party shall promptly inform the Requesting Party of any circumstances which are likely to 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 for assistance 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 if:
 - (a) the Requested Party is of the opinion that the request is outside the scope of this Agreement;
 - (b) the request refers to a tax or exchange matter, except when such matters are related to drug trafficking;
 - (c) the Requested Party is of the opinion that the request, if granted, would seriously impair its sovereignty, security, national or other essential interests;
 - (d) the request does not show that there are reasonable grounds to suspect that:
 - (i) the offence referred to in the request has been committed; or
 - (ii) that the information requested is related to the offence referred to in the request;
or
 - (iii) that the information or property to which the request refers is not located within the territory of the Requested Party;