

No. 33351

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

**Agreement concerning mutual assistance in the investigation,
restraint and confiscation of the proceeds of crime other
than drug trafficking. Signed at Mexico City on 26 Feb-
ruary 1996**

Authentic texts: English and Spanish.

*Registered by the United Kingdom of Great Britain and Northern Ireland
on 5 November 1996.*

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

**Accord d'assistance mutuelle en matière d'enquête, de saisie
et de confiscation des produits de crimes autres que du
trafic des stupéfiants. Signé à Mexico le 26 février 1996**

Textes authentiques : anglais et espagnol.

*Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord
le 5 novembre 1996.*

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE UNITED MEXICAN STATES CONCERNING MUTUAL ASSISTANCE IN THE INVESTIGATION, RESTRAINT AND CONFISCATION OF THE PROCEEDS AND INSTRUMENTS OF CRIME OTHER THAN DRUG TRAFFICKING

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United Mexican States;

Desiring to provide the widest measure of mutual assistance in the investigation, restraint and confiscation of the proceeds and instruments of crime;

Have agreed as follows:

ARTICLE 1

Scope of application

1. The Parties shall, in accordance with this Agreement, and subject to the provisions of their domestic law, grant to each other assistance in investigation and proceedings in respect of criminal activity including the tracing, restraint and confiscation of the proceeds and instruments of crime. For the purpose of this Agreement, references to “crime” or “criminal activity” exclude drug trafficking.
2. This Agreement shall be without prejudice to other obligations between the Parties pursuant to other treaties and is not intended to be used where co-operation between the Parties’ law enforcement agencies is customary and appropriate.

ARTICLE 2

Definitions

For the purposes of this Agreement:

- (a) “confiscation” means any measure resulting in the final deprivation of property;
- (b) “instruments of crime” means any property which is or is intended to be used in connection with the commission of an offence;
- (c) “proceeds of crime” means any property derived or realised, directly or indirectly, by any person as a result of criminal activity, or the value of any such property;
- (d) property includes money and all kinds of moveable or immovable and tangible or intangible property, and includes any interest in such property;
- (e) “the restraining of property” means any measure for the prevention of dealing in or transfer or disposal of property.

¹ Came into force on 1 August 1996 by notification, in accordance with article 16.

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 United Mexican States the central authority is the Office of the Attorney General of the Republic.

ARTICLE 4

Contents of requests

1. Requests shall be made in writing. In urgent circumstances, or where otherwise permitted by the Requested Party, requests may be made by facsimile transmission or other electronic method but shall be confirmed in writing 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 relates;
 - (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 the 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 inform the Requesting Party promptly of any circumstances which are likely to cause a significant delay in responding to the request.
3. The Requested Party shall inform the Requesting Party promptly 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 inform the Requested Party promptly 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, if granted, would seriously impair its sovereignty, security, national interest or other essential interest; or
- (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; or
- (c) the action sought is contrary to principles of the law of the Requested Party; or
- (d) execution of the request would require the Requested Party to exceed its jurisdiction or legal authority or would otherwise not be permitted under its domestic law; or
- (e) the request concerns restraint or confiscation of proceeds or instruments of an activity which, had it occurred within the jurisdiction of the Requested Party, would not have been an activity in respect of which a confiscation order could have been made; or
- (f) the request relates to an offence in respect of which the person has finally been acquitted, pardoned, or made subject to an amnesty; or
- (g) the request relates to a confiscation order which 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.