

No. 29461

**UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
and
SAUDI ARABIA**

**Agreement concerning the investigation of drug trafficking
and confiscation of the proceeds of drug trafficking.
Signed at Jeddah on 2 June 1990**

Authentic texts: English and Arabic.

*Registered by the United Kingdom of Great Britain and Northern Ireland
on 19 January 1993.*

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

**Accord concernant les enquêtes sur le trafic de stupéfiants et
la confiscation du produit de ce trafic. Signé à Djedda le
2 juin 1990**

Textes authentiques : anglais et arabe.

*Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord
le 19 janvier 1993.*

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE KINGDOM OF SAUDI ARABIA CONCERNING THE INVESTIGATION OF DRUG TRAFFICKING AND CONFISCATION OF THE PROCEEDS OF DRUG TRAFFICKING

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Kingdom of Saudi Arabia

Desiring to provide mutual assistance, to the extent possible within their respective laws, in the investigation of drug trafficking and the confiscation of the proceeds of 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 confiscation of the proceeds of drug trafficking.
2. This Agreement shall not derogate from other obligations between the Parties whether pursuant to other agreements or arrangements or otherwise, nor prevent the Parties providing assistance to each other pursuant to other agreements or arrangements.

ARTICLE 2

Definitions

For the purpose of this Agreement:

- (a) proceedings are instituted when an information has been laid before a judicial authority or when a person is charged with an offence after having been taken into custody without a warrant, or when a bill of indictment is preferred, and are concluded when no further action may be taken to obtain a restraint or confiscation order or to enforce such an order in those proceedings;
- (b) “narcotic drug” and “psychotropic substance” means any of the substances, natural or synthetic, in Schedules I and II of the Single Convention on Narcotic Drugs 1961,²

¹ Came into force on 20 September 1991, i.e., 30 days after the date on which the Parties had notified each other (on 14 November 1990 and 21 August 1991) of the completion of their respective requirements, in accordance with article 15 (1).

² 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).

that Convention as amended by the 1972 Protocol¹ Amending the Single Convention on Narcotic Drugs, 1961 and the Convention on Psychotropic Substances, 1971;²

- (c) “drug trafficking” means engaging or being concerned in the unlawful production, supply, possession for supply, transport, storage, import or export of a narcotic drug or a psychotropic substance whether in the United Kingdom, the Kingdom of Saudi Arabia, or elsewhere;
- (d) “drug trafficking offence” means an offence of drug trafficking or conspiring or attempting to commit such an offence or inciting, aiding, abetting, counselling, procuring or being an accessory after the commission of such an offence. An offence of assisting another to retain or to dispose of the proceeds of drug trafficking is also a drug trafficking offence;
- (e) “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;
- (f) property includes money and all kinds of moveable or immoveable and tangible or intangible property, and includes any interest in such property.

ARTICLE 3

Central Authorities

1. The Parties shall each appoint a central authority to transmit and receive requests for the purpose of this Agreement. Unless the relevant Party designates another authority, the central authority for the Kingdom of Saudi Arabia shall be the Ministry of the Interior, Riyadh and the central authority for the United Kingdom shall be the Home Office, London.
2. The central authority of the Requested Party shall take whatever steps it considers necessary to give effect to requests from the Requesting Party.

ARTICLE 4

Contents of Requests

1. 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; and
 - (e) any time limit within which compliance with the request is desired.

¹ United Nations, *Treaty Series*, vol. 976, p. 3.

² *Ibid.*, vol. 1019, p. 175.

2. Requests for assistance shall also include:
- (a) if possible, where the request seeks assistance in relation to an investigation, the quantity of drugs involved in the investigation;
 - (b) the identity, nationality and location of the person or persons who are the subject of the investigation or proceeding;
 - (c) a statement as to what sworn or affirmed evidence or statements are required, if any;
 - (d) a description of any information, statements or evidence sought;
 - (e) 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.
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. To the extent permitted by its law, the Requested Party shall provide assistance in accordance with the requirements specified in the request and shall respond to the request as soon as practicable after it has been received.
2. The Requested Party may postpone the delivery of material requested if such material is required for proceedings in respect of criminal or civil matters in its territory. The Requested Party shall, upon request, provide certified copies of documents.
3. 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.
4. 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.
5. 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 shall be refused if the request relates to an offence in respect of which:
 - (a) the person has been finally acquitted or pardoned; or
 - (b) the person has served any sentence imposed and an order made as a result of the conviction has been satisfied.

2. Assistance may be refused if:
 - (a) the Requested Party is of the opinion that the request, if granted, would seriously impair its sovereignty, security or other essential interests; or
 - (b) provision of the assistance sought could prejudice an investigation or proceedings in the territory of the Requested Party or prejudice the safety of any person.
3. 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 these conditions, it shall comply with the conditions.

ARTICLE 7

Information and Evidence

1. The Parties may make requests for information and evidence pursuant to this Agreement for the purpose of an investigation or a proceeding.
2. The Requested Party shall as appropriate and insofar as its laws permit:
 - (a) provide information and documents or copies thereof for the purpose of an investigation or a proceeding in the territory of the Requesting Party;
 - (b) take evidence or statements of witnesses or other persons and produce documents, records or other material, for transmission to the Requesting Party;
 - (c) search for and seize, and deliver to the Requesting Party any relevant material and provide such information as may be required by the Requesting Party concerning the place of seizure, the circumstances of seizure and the subsequent custody of the material seized prior to delivery.
3. Where required by the Requested Party, the Requesting Party shall return material provided under this Agreement when no longer needed for any investigation or proceeding.

ARTICLE 8

Restraint of Property Liable to Confiscation

1. Where proceedings in the territory of a Party have resulted or may result in the making of an order mentioned in paragraph 1 of Article 9 of this Agreement, that Party may request the restraint in the territory of the Requested Party of property for the purpose of ensuring that it is available to satisfy any such order.
2. A request made under this article shall include:
 - (a) a certificate to the effect that proceedings have been or are to be instituted against a specified person and that those proceedings have not been concluded;
 - (b) a description of the property to be restrained and its connection with the person specified under sub-paragraph (a) of this paragraph, and insofar as possible its whereabouts; and
 - (c) details of any relevant order made by the court of the Requesting Party.

3. Where the restraint of property has been ordered pursuant to this Agreement and there is a representation in the territory of the Requested Party by a person affected by the order, the Party shall inform the Requesting Party as soon as possible and shall also inform it promptly of the outcome of that representation.

ARTICLE 9

Assistance in Enforcing the Confiscation of Proceeds

1. This article applies to an order made by a court of the Requesting Party as a result of a conviction for a drug trafficking offence, for the purpose of recovering the proceeds of drug trafficking.
2. A Party may request the assistance of the other Party in enforcing an order to which this Article applies.
3. A request made under this Article shall be accompanied by the following documents:
 - (a) an authenticated copy of the order;
 - (b) an authenticated statement that neither the order nor any conviction to which it relates is subject to appeal;
 - (c) a description of the property in relation to which assistance is sought and its connections with the convicted person; and
 - (d) where appropriate, a statement of the amount which it is desired to realise as a result of the assistance.
4. Proceeds confiscated pursuant to this Agreement shall be retained by the Requested Party, unless otherwise mutually decided in a particular case. Either Party may request a review of this paragraph after this Agreement has been in force for two years.
5. Where the confiscation of proceeds has been ordered pursuant to this Agreement but there is a representation in the territory of the Requested Party by a person affected by the order, that Party shall inform the Requesting Party as soon as possible, and shall also inform it promptly of the outcome of that representation.

ARTICLE 10

Protecting Confidentiality and Restricting Use of Evidence and Information

1. The Requested Party shall, to any extent required, keep confidential a request for assistance, its contents and any supporting documents, and the fact of granting such assistance. 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 proceedings 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 11

Authentication

1. Any documents or other material supplied in response to a request for assistance shall, when requested, be authenticated in accordance with the following paragraph.
2. A document is authenticated for the purpose of this Agreement if:
 - (a) it is signed or certified by a judge, magistrate or officer of the Central Authority, referred to in Article 3 of this Agreement, of the Party sending the document; and
 - (b) it is sealed with an official seal of the Party sending the document.

ARTICLE 12

Costs

The Requested Party shall bear any costs arising in its territory in executing a request, unless otherwise mutually decided in a particular case.

ARTICLE 13

Consultation

The Parties shall consult promptly, at the request of either, concerning the interpretation or the application of this Agreement either generally or in relation to a particular case.

ARTICLE 14

Territorial Application

This Agreement shall apply:

- (a) in respect of requests from the Government of the Kingdom of Saudi Arabia.
 - (i) to England, Wales and Scotland.
 - (ii) following notification made through the diplomatic channel by the United Kingdom to the Kingdom of Saudi Arabia, to Northern Ireland, the Channel Islands and the Isle of Man.
 - (iii) to any territory for the international relations of which the United Kingdom is responsible and to which this Agreement shall have been extended by agreement between the Parties; and
- (b) in respect of requests from the United Kingdom, to the Kingdom of Saudi Arabia.

ARTICLE 15

Entry into Force and Termination

1. This Agreement shall enter into force 30 days after the date on which the Parties have notified each other in writing that their respective requirements for the entry into force of the Agreement have been complied with.
2. This Agreement shall apply to a request made pursuant to it whether or not the drug trafficking to which the request relates occurred prior to the Agreement entering into force.
3. Either Party may terminate this Agreement at any time giving 180 days' written notice to the other through the diplomatic channel. This Agreement shall continue to apply to any request received before the date of termination.

In witness whereof the undersigned, being duly authorised thereto by their respective Governments, have signed this Agreement.

Done in duplicate at Jeddah on the 2nd day of June 1990 (corresponding to 9th day of Dhu'l Qada 1410).

In the English and Arabic languages, both texts being equally authoritative.

For the Government
of the United Kingdom
of Great Britain
and Northern Ireland:

DOUGLAS HURD

For the Government
of the Kingdom of Saudi Arabia:

NAIF